

Partition Proceedings
Vol II

Mehr Chand Mahajan

MR. Mehr Chand Mahajan whose long and eventful life was brought to a sudden end by a heart attack in Chandigarh in the early hours of Tuesday may be said to have literally died in harness. Despite his 78 years, he was still closely and actively associated with many public causes and institutions and if some national or State stint was worthwhile, he was ever ready to say 'yes' to the call of the country. Mr. Mahajan was in Chandigarh to attend the meetings of the Syndicate and the Senate of Punjab University. He had rarely missed being present since work for education was very close to his heart and numerous persons in this field had learnt to look up to him for disinterested guidance. While a whole host of institutions in Punjab and some other States would miss his leadership, the loss to Punjab University would be particularly severe since he helped it grow from the very day of its rebirth after its reincarnation in East Punjab.

Mr. Mehr Chand Mahajan may be said to have been one of the makers of present-day Punjab since he participated for decades together, in an active way in most branches of life in the State. For almost 25 years one of the leading lawyers of Lahore and for a good part of the period President of the Bar Association, he joined the Lahore High Court as a Permanent Judge in 1943 and soon became as known for the clarity of his judgements as he had earlier been for his brilliant feats of advocacy. However, events were shaping him for still greater responsibilities. He became a member of the Punjab Boundary Commission and, after Independence, rejoined the State High Court. The qualities of leadership which he had consistently displayed soon took him to Jammu and Kashmir as Prime Minister. Although he stayed in this office for not more than six months, the period was most eventful in the history of the State and the life of the people — confrontation with Sheikh Abdullah as 'Head of the Emergency Administration' in a kind of dyarchy, accession of the State to India and the invasion of it by Pakistan. Since Mr. Nehru had other plans for the Sheikh and Maharaja Hari Singh could not say 'No' to the PM, Mr. Mahajan had no option but to return to Judgeship, but this time to the Supreme Court where he became Chief Justice after about six years as a Puisne Judge.

The period of 13 years since his retirement from this highest judicial office in the country in December 1954, soon became as full of public activity as before. He now threw himself heart and soul into the work of the rehabilitation of DAV educational institutions and, in between, did plenty of public work. Among the causes which he earnestly publicized and strove for was what he called the need for India to have a unitary form of Government. He was chairman of the Punjab Police Commission and he was the one-man Commission appointed last year to study the boundary dispute between Mysore and Maharashtra. He served the country in a good many other spheres as well; he became a pioneer in commercial horticulture and fruit preservation and was long associated with the governance of one of the top scheduled banks. A bon vivant, Mr. Mahajan endeared himself to his friends and acquaintances with numerous endearing personal traits, not the least notable among them being a lively and ever active sense of humour, not unoften exercised even at his own expense. One of the few surviving great men of the State and the country, Mr. Mahajan has left Punjab poorer with his passing away.

The Tribune

Ambala, Dec. 13, 1967

Dr. Mahajan Cremated

From Our Special Correspondent

CHANDIGARH, Dec. 12.—The body of Dr. Mehr Chand Mahajan was consigned to the flames at the Chandigarh cremation ground this noon.

A contingent of the Chandigarh police gave the salute with reversed arms and sounded the last post.

The pall-bearers included the Punjab Chief Minister, Dr. Santokh Singh Anand, Dr. Tulsī Dass and other eminent persons.

The funeral procession was attended by a large number of persons including the Chief Justice and other Judges of the Punjab and Haryana High Court, the Chief Commissioner of Chandigarh, Punjab Ministers, the Vice-Chancellors of Punjab and Punjab Universities, Chief Secretaries and other senior officers of Punjab, Haryana and Chandigarh Administration, the former Chief Minister of Haryana, leaders of various political parties, Mahatma Anand Swami, Swami Rameshwaranand, legislators and teachers and students of schools and colleges.

The Punjab Governor came to condole the death at the residence of Mr. Justice D. K. Mahajan before the funeral procession started for the cremation ground.

Continued on page 3

Country Has Lost A True & Devoted Son: Dr. Husain

NEW DELHI, Dec. 12 (PTI).—In a condolence message on the death of Dr. Mehr Chand Mahajan, the President, Dr. Zakir Husain, says that "in his passing India has lost an eminent jurist and a true and devoted son".

The message addressed to Mr. Justice D.K. Mahajan of the Punjab and Haryana High Court says:

"I am deeply grieved to learn of the sad demise of your revered father and send my profound sympathies to your mother and to you and the other members of the bereaved family in your great loss. As member of several important commissions, in his association with various educational institutions, as a High Court Judge and then as Chief Justice of the Supreme Court of India, Justice Mahajan discharged his onerous responsibilities with great dignity and distinction. In his passing India has lost an eminent jurist and a true and devoted son".

**Munir Was Told Ferozepore
Fazilka Will Go To
Pakistan?**

From Our Own Correspondent

AMRITSAR, April 25.—After nearly 13 years of the Radcliffe Award, Mr. Justice Munir, Chief Justice of Pakistan, made an astounding disclosure in his farewell speech to the High Court Bar Association in Lahore on Friday last, when he said: "You have, for instance, referred to my services as a member of the Boundary Commission. The award of that Commission, which means the award of the President of the Commission, has been the subject of repeated controversy in the Press, but I never uttered a word about it though certain important matters were within my knowledge. Today I have no hesitation in disclosing two facts in connection with it. First, it was clear to both Mr. Din Mohammed and myself from the very beginning of the discussions with Mr. Radcliffe that Gurdaspur was going to India and our apprehensions were communicated at a very early stage to those who had been deputed by the Muslim League to help us.

"Second, when I was replying to the Sikh case, I was told by Mr. Radcliffe in the most unequivocal terms that three Tahsils of Ferozepur, probably Ferozepur, Zira and Fazilka were coming to Pakistan and that it was unnecessary for me to discuss that part of the case with them. I still remember the description of the terrain he gave me of these Tehsils and the main reason for their transfer to Pakistan and I communicated my congratulations to the Nawab of Mamdot. He felt jubilant, but was disappointed a few days later because by the award, which came three days after the scheduled time, these tehsils went to India. Before the Commission dispersed we were guests at a lunch given by Mr. Radcliffe at the Service Club. On that occasion we decided to ask him whether he himself had taken a decision after reading the reports of, and discussing the matter with the other members.

The reply was that he had to see the Governor-General (Lord Mountbatten) before he could say anything."

Original Volume VI

CHAPTER IV- PUNJAB (PRE-PARTITION) BOUNDARY
COMMISSION.

C O N T E N T S

P A G E S

1 — 81	A- Reports of Non-Muslim Members-	
	(a) Report of Justice Mehr Chand-	
	Mahajan.	-----163-193-81
81 — 166	(b) Report of Justice Teja Singh-	--- 194-233 81 — 166
	B- Report of Muslim Members-	
	(a) Report of Justice Din Muhammad,...	234-263
	(b) Report of Justice Muhammad	
	Munir	264-302
	C- Sir Cyril Radcliffe's Award.	303-308
	D- Map.	309.

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A- REPORT OF NON- MUSLIM MEMBERS

(a)-Report of Mr. Justice Mehr Chand Mahajan.

This Commission has been constituted to divide a Province which is really incapable of a satisfactory division. Those who made the present-day Punjab never imagined that a situation would arise when it would have to be split into two parts. But however difficult the task may be, it has to be done. It is certain that however honestly and conscientiously the border is demarcated, for the time being it will not give satisfaction to any of the communities concerned, though it may eventually lead to the contentment and happiness of them all and the individuals residing in East Punjab and West Punjab.

✓ The major parties to this dispute have claimed the maximum area that they could possibly do for their respective Provinces on any interpretation of the terms of reference most favourable to them. These claims are supported by several associations having a common interest with them and by a number of individuals who have submitted memoranda to the Commission. The two States of Bahawalpur and Bikaner have also supported the claim of the community to which the rulers of these States belong though on grounds affecting their own States. It has been contended by these States that if the headworks of the Ferozepur canal which irrigates their respective States are included in the Province of the community to which the rulers belong, it would safeguard their rights in that work.

(2)

The claims put forward can be stated in the form of the following issues:-

- (1) Whether on the terms of reference, the Muslims are entitled to claim for Western Punjab, besides the 17 districts (minus a part of the Pathankot Tehsil) allotted to it in the national division, the following areas:-
 - (a) Ajnala Tehsil of the Amritsar District.
 - (b) Majitha Zail of the Amritsar Tehsil of the same district.
 - (c) Portions of Fazilka and Muktsar Tehsils of the Ferozepore Districts.
 - (d) Zira and Ferozepore Tehsils of the Ferozepore district (excepting the Nathana Sub-Tehsil which is not claimed)
 - (e) Jullundur and Nakodar Tehsils of the Jullundur district.
 - (f) The area along both banks of the Sutlej, upto and including the town of Rupar and ending on the boundary between the Punjab and Nalagarh State, including the town of Ludhinana (Part of various tehsils of different districts including the district of Ambala are also claimed.)
- (2) Whether any reasonable grounds exist for splitting up the Pathankot Tehsil which is admittedly a non-Muslim area?.
- (3) Whether the Amritsar and Tarn Taran Tehsil of the Amritsar district constitute a non-Muslim pocket in a Muslim majority area and

(Contd----3)

(3)

therefore, should be included in the Province of West Punjab.

(Under these issues the point to decide would be whether 19½ districts should go to West Punjab and East Punjab should consist of 19½ districts, and if so, whether on this basis a just and equitable boundary line can be drawn between two sovereign states)?

(4) Whether on the terms of reference non-Muslim are entitled to claim for East Punjab the following areas over and above the 12 districts allotted to it in the notional division and whether on this basis a just and equitable frontier can be delimited separating the two Provinces:-

- (a) The whole of the Gurdaspur District.
- (b) Lahore District including the city of Lahore.
- (c) Lyallpur District.
- (d) Sheikhupura district.
- (e) Montgomery district.
- (f) Sialkot district.
- (g) Gujranwala district.
- (h) Parts of Multan district?

This claim means the addition of seven districts in East Punjab, reducing the West Punjab to 10 districts.

(5) If ~~neither~~ of these claims can be held valid, partially or wholly, what is the proper boundary line between East Punjab and West Punjab, keeping in view the terms of reference of the Commission?.

(Con'd----4)

Strategic point.

Before deciding these points it is necessary to apprehend clearly the scope of the reference. It seems to me that those responsible for the draft of the reference left the matter of demarcating the boundary entirely to the discretion of the Commission, subject of course to the direction that the primary consideration on which the Commission is to proceed is to ascertain the contiguous majority areas of Muslims and non-Muslims. In other words, the Commission was instructed to keep in the forefront the communal population consideration, but it was also told in clear terms that in demarcating the boundary it may take into account other factors. In other words, its discretion in making the delimitation was not necessarily limited to majority population consideration. The question what those other factors would be was left open, obviously for the reason that these factors are bound to carry according to the facts disclosed in regard to each area. The view that I have expressed about the terms of the reference finds support in the speech made by the Under Secretary of the State for India in the House of Commons on the 14th of July, 1947. He said that "the primary basis of demarcation must be majority of population. In certain cases there may be factors which justify departure from that Principle". In other factors justify it. This interpretation has been vehemently contested by

Terms of Reference

*Evolution of the
Clause*

(5)

the learned counsel for the Muslim League. I shall deal with his contention and give my reasons for not accepting it in a later portion of this opinion.

Having stated that I consider is the meaning of the terms of reference, the circumstances under which it was made may now be briefly mentioned.

The Muslims of India having arrived at the decision that in order to protect their culture and other interests a separate homeland for them should be found within the Sub-Continent of India, a claim was put forward that contiguous Muslim areas as are situate in the north-west of this sub-Continent should be demarcated and given to them as a sovereign state. This demand was eventually accepted by His Majesty's Government in the statement of June the 3rd 194

It was decided to partition the Sub Continent of India into two dominions namely the Dominion of India and the Dominion of Pakistan. It was also decided to partition the two Provinces of the Punjab and Bengal. In paragraph 9 of the

statement it was provided that the members of the Legislative Assemblies of Bengal and the the Punjab would sit in two parts according to Muslim majority districts and non-Muslim majority districts as laid down in the Appendix to the statement and that in these sittings they would decide whether they would remain united or devide the Provinces of the Punjab and Bengal, and if so, with what Dominion they

(contd=---6)

(6)

would seek affiliation. It was pointed out that this notional division for the limited purpose of ascertaining the above matters was a preliminary stage of a purely temporary character"; that for the purpose of a final partition of these Provinces a detailed investigation of the boundary question will be needed and as soon as the decision involving partition had been taken for either Province, a boundary Commission would be set up by the Governor-General, the membership and the terms of the reference of which would be settled in consultation with those concerned; that the Commission would be instructed to demarcate, the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims and that it would also be instructed to take into account other factors. The words used in the statement are "contiguous areas of Muslims and non-Muslims. So far as I understand them no particular unit, administrative or otherwise was in the minds of the authors of the statement for the purpose of determining contiguous majority areas of Muslims and non-Muslims. It was considered that two blocks of contiguous areas had to be demarcated and that one block should be such in which the Muslims are in a majority and the other in which there is a non-Muslim majority.) I do not think it was intended that these blocks had to be carved out by discovering various tongues and pockets of Muslims or non-

*Majority is not
to be discovered.*

Muslims and by attempting to make them contiguous on the slightest possible ground. The whole matter of the area had to be considered broadly. I am convinced that it is possible for an ingenious non-Muslim to make the Province of the Punjab right up to the River Jhelum a non-Muslim area by adopting another line. He may go up even to the city of Rawalpindi. In my view, contiguous areas of substantial size have to be put into two blocks ~~XXXXXX~~ and demarcated by a boundary line which will be a workable line from all points of view, ignoring all wedges and salients ^{of} one community or the other running into these two blocks, even if on the grounds of contiguity and majority, technically speaking, these salients can fall in one or the other part.

The terms of reference to the Commission are worded as follows:-

"The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Province on the basis of ascertaining mind these words present no difficulty, they only mean that in demarcating the boundary the Commission will also take into account other factors besides the population majority factor which no doubt is the primary factor.

On the 3rd of June, 1947, contemporaneous with the statement of His Majesty's Government His Excellency the Viceroy made a broadcast in which he said that the boundaries will be set

by a Boundary Commission and will not be identical with those now settled. As regards the position of the Sikhs His Excellency said he had given thought to the matter and that in partition they would be inevitably divided but the exact degree quotation from his broadcast may be given in extenso:-

There are two main parties to this plan- The Congress and the Muslim League, but another community much less numerous but of great importance- the Sikh community- have of course to be considered. I found that it was mainly at the request of the Sikh community that Congress had put forward the Resolution on the partition of the Punjab, and you will remember that in the words of that Resolution they wished the Punjab to be divided between predominantly Muslim and Non-Muslim areas. It was, therefore, on that Resolution, which the Sikhs themselves sponsored, that this division has been provided for, I was not aware of all the details when this suggestion was made but when I sent for the map and studied the distribution of the Sikh population under the proposal, I must say that I was astounded to find the plan which they had produced divided their community into two almost equal parts. I have spent a great deal of time both out here and in England in seeing whether there was any solution which would keep the Sikh Community more together without departing from the broad and easily understood principle, the principle-

which was demanded on the one side and was conceded on the other. I am not a miracle worker and I have not found that solution. All I have been able to say is that the leaders of the respective communities shall appoint a committee which will draw up the terms of reference. of the Boundary Commission which has been suggested in the plan. The Boundary Commission shall have representatives of the parties, So far as it is humanly possible there will be no interference or dictation by the British Government²

On the 4th June, 1947, the Viceroy attended a press Conference. In this conference, one of the question put to His Excellency was-

"How to keep the integrity of the Sikh Community intact? What is the provision that you have made in this plan to keep integrity of the Sikh people intact?"

Ans- " I must point out that the people who asked for the partition were the Sikhs. The Congress took up their request and framed the resolution in the form they wanted. They

Sup [wanted the Punjab to be divided into predominantly Muslim and Non-Muslim areas. I have done ~~exactly~~ what the Sikhs requested me to do through the Congress. The request came to me as a tremendous shock as I like the Sikhs. I am fond of them and I wish

them well. I started thinking out a formula to help them ~~and~~ but I am not a magician, I am ~~xxxxxx~~ an ordinary human being I believe

that it is the Indians who have got to find out a solution. You cannot expect the British to solve all your problems. I can only help you to arrive at the correct solution. A lot can be done by a Chairman but he cannot impose a decision on any one. It is up to the Sikhs who are represented on the Committee to take up the case. It is not I who is responsible for asking for partition.

In the same Press Conference it was said by His Excellency:-

*Apart from the two main parties, the Congress and the Muslim League, there was another community, not numerous but of great importance namely the Sikh community, which had to be consulted.

He sent for a map with the population of the Sikhs marked and he was astounded to find that the plan which they had produced would divide the Sikh community into almost two equal halves. So he spent a great deal of time finding out a solution which would keep the Sikh community together. He had not been able to see any solution but whatever step was taken was based on the Congress resolution on the subject, which he pointed out, was passed at the insistence of the Sikhs. He said he hoped that the leaders of the respective communities would appoint a Committee to draw up the terms of reference of the Boundary Commission which should have representatives of the interested parties on it.

(Contd---11)

So far as it was humanly possible there would be no interference let alone dictation from any British Official."

Another question put to His Excellency was in the following terms:-

" In your broadcast yesterday you had said the ultimate boundaries of the partitioned Provinces would be almost certainly not indentical with those which have been provisionally adopted Why?

Ans- For the simple reasons that in the district of Gurdaspur in the Punjab the population ratio is 50-4 per cent. Muslims and 49-6 non-Muslims. The difference is .8 percent. You will see at once it is unlikely that the Boundary Commission will place the whole of the district in the Muslim majority area. Similarly in a district in Bengal the reverse is the case. It has a very small fraction of non-Muslim majority. I shall be astounded if the Boundary Commission places the ~~taken~~ whole of that district in the non-Muslim area. The point is we have taken the districts for one purpose only. It was the only simple way by which you can divide the number of members for each of the Legislatures. I do not want inhabitants of those districts to assume it as a foregone conclusion that they would be going into an area in which their community is not in a majority.

It is obvious from the above quotations that what has to be demarcated by the Boundary Commission is predominantly Muslim areas and

that a bare majority of Muslims or non-Muslims in any area may well be ignored in view of other factors, in order to avoid a boundary line which may run in a zigzag shape like the claws of a crab or which may be indefensible on strategical grounds. It has been very aptly pointed out in the Muslim League memoranda that "the boundary should be a workable and practicable boundary from the point of view of administration and should be capable of fulfilling the functions of a boundary between two neighbouring States. It should not be a crazy line running backwards and forwards over the areas of several districts and in and out of every villages in those districts so as to result not in the separation of two parts of Province which might each be constituted into a Province, but into a nightmare tapestry of a futurist's design". The Congress and the Sikhs fully subscribed to this view.

Having stated ~~my~~ views about the scope of the reference, I now proceed to examine the contentions raised by Sir Mohammad Zafarullah Khan and give my reasons for not agreeing with them.

In a forceful argument the learned counsel urged that partition must be made on the population factor alone and that the scope of the words "in doing so the Commission will also take into account other factors" ~~xxxxxx~~ was limited to taking into account local factor

(Contd----13)

only, but that such factors cannot override the primary principle of division, namely the population basis. It was stressed that the only principle on which the partition was agreed upon by the parties, and was accepted by His Majesty's Government was based on the principle of non-coercion announced by the Congress, namely that large areas in which there was a substantial preponderant population of one community could not be coerced to live in an area in which the other community had majority. It was said that the economic factor urged by the counsel for the Congress and for the Sikhs overlooked this point and was contrary to the interpretation that His Excellency the Viceroy placed on the wording of paragraph 9 of His Majesty's statement* of the 3rd of June, 1947, which statement in substance employed the same phraseology as was contained in the terms of reference. Reference was made to the words used by His Excellency in the broadcast + of the 3rd of June, 1947, in which mention was made of the principle that there was no question of coercing any large areas in which one community had a majority to live against their will under a Government in which another community had a majority and that this principle could not justify taking into account of economic, agricultural, industrial and commercial considerations or the

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* Pages 1-5 ante. + Not printed

factor of maintaining the integrity of the Sikhs. It was emphasised that if this attitude had been taken by the Congress or the Sikhs, the Muslim League would ^{and} never have agreed that if these factors were to be taken into considerations, the whole of the Punjab might have been allotted to the Indian Dominion. Next, reference was made to the paragraph dealing with the partition of the Punjab. It was demanded by the Congress at the instance of Sikh community. It was said in the resolution that the partition of India necessitates the division of the Punjab into two provinces so that the predominantly Muslim part be separated from the predominantly non-Muslim part. In other words, the population factor was put in the forefront and any area in which one community has predominance over the other could not be kept in one or the other Dominion as the case may be. It was observed that in the broadcast His Excellency reviewed the Sikh position and noticed that they were equally divided as a result of their own request and that he was unable in spite of his best efforts to solve this problem. In view of these observation the point was made that if the phrase "other factors" contained in paragraph 9 of His Majesty's statement* of the 3rd June, 1947, intended to include the factor of the integrity of the Sikhs then His Excellency need not have been shocked or surprised and he could have easily said that the matter can be solved by the Boundary Commission, and His Excellency need not have expressed any regret. In my opinion these contentions do not in any way affect the interpretation that I have placed on the terms of reference. // My reasons are

Pages 1-5 ante.

these:—

(1) The population factor undoubtedly is the main factor in the division, but I cannot agree that in no circumstances can it be overridden. Suppose, for instance, that the boundary on this basis cannot be laid satisfactorily in view of strategical grounds or because of the situation of the headworks of a canal, this factor shall have to be overridden. The Muslim League themselves have suggested that in the Pathankot Tehsil the majority factor be ignored owing to the situation of the headworks of the canal. We are told that ~~in~~ before the Bengal Boundary Commission the ~~Mu~~ Muslim is claiming predominantly non-Muslim areas on the ground of economic factors.

(2) Whether any other factors, including the factor of the integrity of the Sikhs, will override the population factor, will, in any case, depend on the circumstances of each area. Suppose, for instance, the population is not predominant~~ly~~ but there is a meagre majority of one community over the other. Such a case cannot fall within the resolution of the Congress which was sponsored by them at the instance of the Sikhs and which was agreed to by the Muslim League. That resolution clearly said "any areas in which there is predominance of the one community over the other". Those words cannot include cases of meagre or bare majorities in the population.

In those cases other factors may override the population factor. A nominal majority was not the majority contemplated in any of the statements that have been placed on the record. The words used there are "substantial areas" and "substantial population" or "predominant population". The only question to decide is whether any large areas are left in which one community has predominant majority over the other under the ^{rule} of ~~their~~ other community.

(3) His Excellency the Viceroy never gave any exhaustive definition of the phrase "other factors" in any of his statements or speeches.

169

(4) Whatever His Excellency said about the Sikhs was said before the terms of reference were finally settled and strictly speaking it is not relevant when the Commission is called upon to interpret the terms. That interpretation is not binding on the Commission, on the same line of argument that was adopted by the learned counsel that the interpretation of the terms of reference after they had been accepted by the Under Secretary of State at the committee stage of the India Bill in the House of Commons was not relevant. In my opinion, strictly speaking, neither the interpretation of the Under Secretary nor the interpretation of His Excellency the Viceroy about the terms of reference is relevant. It is, however, open for the members of the

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Commission to place their own interpretation and then say that their interpretation is the same as was put by either of these high personages.

(5) If the population factor was really the sole basis of division, I do not see what necessity there was of employing the phrase "in doing so the Commission will take into account other factors". It seems to me that both parties who were represented in the Committee to settle the terms of reference kept a mental reservation. The Muslim League did not at that stage say that other factors should be defined and it should be clearly stated that these can in no case override the population factor but that they are only intended to be contained in the terms of reference for settling locally the boundary. Had they raised that point, possibly the Congress ^{or} ~~and~~ the Sikhs may not have agreed. Similarly the Congress and the Sikhs did not give any definition of the words "other factors" by clearly including in them the case of the integrity of the Sikh community or other economic factors now mentioned by them, as obviously the League would not have to their inclusion in the terms of reference. The result was that phraseology was employed which could later on interpret in the manner most convenient to their contentions.

(6) Construed according to ordinary canons of interpretation, the phraseology in the reference ~~cannot~~ cannot lead to the meaning that in demarcating the boundary the Commission cannot take into account other factors and that it is bound to give effect to the population factor and can never ignore it. The reference only says, "ascertain the populations and then ~~proceed~~ proceed to demarcate the boundary after that ~~and~~ ascertainment has been done, by taking into account other factors as well." I cannot read in this phraseology that other factors mean merely local and subsidiary factors.

(7) Whatever His Excellency the Viceroy said was merely in the shape of an explanatory note to His Majesty's statement* of the 3rd of June. His attention was not directed to an exhaustive enunciation of the meaning of paragraph 9 of the same.

(8) In considering the line of demarcation it must be borne in mind that no ethnic and linguistic differences really divide the people of the Punjab from one another. The factor of religion must, in the light of history in Europe, be regarded as an unfortunate incident in all probability of a temporary nature. With the spread of modern ideas, this factor will recede into the background and other factors economic and ideologic will tend more and more supersede it as governing

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factors in the life of the state. If this is so, and there seems no good reason to doubt it, far greater importance must be attached to "other factors" in the final definition of the boundary, even though for the present the population basis, based on the religious factor, must be given predominance.

IN demarcating the boundary line it has to be prominently borne in mind that the partition is being done on the basis of communal and religious considerations. The Western Punjab is to be a part of the Pakistan Dominion, a Muslim State, ^{for} and ~~the~~ time being there is no love lost between the Muslims on the one side and the Sikhs and the Hindus on the other. The historical background shows antagonism between them and the recent events in the various Provinces of India, and particularly in the Punjab, have demonstrated that they are willing to fly at one another like wild beasts, and, in some cases, even in worse manner than those beasts. If any doubt existed ~~on~~ on the point, the lengthy address of the counsel for the League on this point amply proves it. It is immaterial which party was blameworthy in the matter. Any boundary line which have to be carved out for such parties cannot ignore this state of feeling between the two communities. The line must be one ~~xx~~ which avoids frequent and daily border incidents resulting in communal fights and reduces the contact between the two to a minimum. It should again be one which is ~~capa~~ capable of being defended on either side conveniently

and at the least possible cost. In other words the line should not be such as would lead to the construction of numerous cantonments and army stations. Any line which projects from ~~the~~ one area into another with slight gain to one side or the other cannot be justified. Its length should be reduced to the minimum between the two parts and, if possible, it should follow a natural boundary either of a river or of a hill or some other natural configuration.

What meaning has to be given to the phrase "other factors" can be deduced from the reports of the Peace Conference that was held after the first World War. This phrase "other factors" employed in the instructions to the Boundary Commission that was to demarcate the boundaries of the new States that were formed after that War. The means of communication of inhabitants to their accustomed markets and their economic exigencies, historical associations and vital strategic considerations were considered to be included in the phrase. At page 913 of David Lloyd George's book on "Peace Treaties" the following quotation occurs:-

"To establish boundaries between rival claimants the Commission has to decide on the amount of air space, and freedom necessary to the life of the new peoples. Ethnological considerations have to be considered in the light of the economic exigencies, historical associations and vital strategic considerations. Some frontiers which were ethnically indefensible provided the natural military defence for the protection

of a country against potential invaders. In other market facilities for transport by rail or river interfered with the rigid application of the racial factor. Ethnological considerations may be indefinite and inclusive in certain cases."

In inland boundaries it is relevant sometimes to take into consideration that the boundaries laid down would encourage transfer of population from one side to another and thus bring about equilibrium in the populations of various races. In cases where the populations ~~are~~ are mixed, economic and strategical reasons must be given ~~in~~ weight.

From the book "Boundaries in Europe and the Near East" by Sir Thomas Holdich, published in the year 1918, the following relevant quotations may be reproduced:—

171

"The first principle is the obvious necessity for dividing self-governing states or nations into separate geographical units in such manner as to set definite and scientific barriers between countries liable to mutual aggression. The next is to give to each individual country space and opportunity for internal development such as may remove all incentive for discontent and desire for ~~more~~ encroachment on ~~the~~ other preserves."

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"The first is undoubtedly space. There must be room enough for development on the lines

(Contd-----22)

best suited to the character and strength of the people if they are to remain contented and happy. Space then is the first condition of success in international territorial space for fair development."

* * * *

"Finally it is beyond question important that boundaries should be well defined, that they should be difficult to violate and as as strongly defensive in character as nature or art can make them. The chance of active being almost in exact proportion with the facility for carrying it out."

* * * *

"The first great necessity for a newly organized self-governing state is a defined frontier and a boundary line which will not only set a limit to its territorial extension, but will protect it as far as possible from aggression. The boundary which is to be visible sign of international separation will be of little value unless it is scientifically adjusted to the political, military and economic needs of the country concerned."

From another book called "Political Frontiers and Boundary Making" by the same author two quotations may be cited:—

"Boundaries must be barriers. If not geographical and natural then they must be artificial and strong as military device can make them."

"There are many sorts of frontiers and boundaries, but those which have through all ages proved effective are undoubtedly those which are best secured by strong natural features."

In India this matter was considered in the report of the Orissa Committee which was instructed to ~~demarcate~~ demarcate the boundary of the new Province of Orissa in the year 1931. The Province had to be delimited on linguistic consideration, but in doing the Committee took into consideration administrative convenience and economic and geographical consideration, etc.

Having regard to the principles enunciated in the above quotations the question is what other factors can be properly considered by the Commission in the present instance. I am of the opinion that the Commission will have to take into consideration historical associations of the various communities residing in different tracts, economic life of these people and their economic stability, the ~~geograph~~ geographical situation of the various tracts, the factor of the lines of communication, markets, etc., and the extent of their economic interests in the lands of the different tracts and, most important of all, strategical consideration. Where ethnological consideration is indefinite and inconclusive, these ~~other~~ other factors, if predominant, will override it. In the peculiar position of the Province of the Punjab, the position of the Sikh community is a very important

factor. It is not at all a moot point and is not seriously disputed even in the Muslim League memoranda that the Sikhs are an important community in the Province and have special interests. / Here.

✓ That the Central Punjab is their homeland is a matter which has been admitted in all historical documents written during the last hundred years. / That their main occupation is agriculture and military service, again is not a matter which requires any discussion. It is plain that by the notional division their population has been split in almost equal halves in the two sovereign States of India and Pakistan. According to this division, about 21 lacs of Sikhs are in the Eastern Punjab about 16 lacs in the Western Punjab. Any boundary to be satisfactory, should at ~~least~~ least be such as does not keep this population either side of this equally divided, and, if possible, their desire to be consolidated as much as possible in the Eastern Punjab should be kept in view in marking out the boundary. / In my opinion it is in the interests of peace and good government of both the parts that the split in the community is reduced to the minimum. They will then be able to safeguard their religion and culture and will develop as a community in one Province. I do not think ~~it~~ it is seriously disputed even by the Muslim League that administrative economic considerations are factors for consideration by the Boundary Commission, and that, so far as possible, the boundary should be such as avoids inter-statal and daily skirmishes and that it should be one which ~~the~~ does not economically jeopardize the life of those residing in one part or the other and contributes to the

economic stability of both the Provinces. I have already pointed out the instance Upper Bari Doab canal in which the League themselves have overridden the population factor. I fully sympathize with the Sikh demand for a homeland in the Central Punjab, if it can be found for them within the terms of the reference. The districts of Gurdaspur, Amritsar and Lahore have been described by several writers as the "home districts" of the Sikhs. They have mostly found in the two divisions of Jullundur, Lahore and owing to the colony policy of the Government a substantial number of them are found in the colony areas. A community may claim a homeland even if its population is small as compared to the other people residing in certain regions. If I may say, their claim for a homeland can only be raised as regards the tract of Majha which is said to ~~be~~ be their home with their religious metropolis in Amritsar. Of course the Sikh claim is that the whole tract from Beas to chenab is the original Sikh land or the country of Baba Nanak and the cradle of their faith and the ~~nursery~~ nursery of chivalry of the followers of the Gurus. This feature is a special feature of this Province and cannot be ignored in the delimitation of the boundary. It has been pertinently pointed out that the Sikh soldiers and non-Muslim soldiers who had been promised grant of land owing to war service, will not be able to get what they have been promised if the Province of the Eastern Punjab gets no colony lands, it being admitted that the whole of the unallotted area in the colony lands which ~~is~~ is considerably over 18 lacs of acres is situate

at present in the Province of the West Punjab.

It may also be observed that the area of the ~~Ex~~ Province to be divided according to survey figures is 99,000 square miles though according papers it is ~~90~~ 91,000 odd square miles. In partitioning this huge area into two parts, in my opinion, it will not be proper to take into consideration small areas of 50 or 100 square miles on the strict theory of contiguity of Muslim or non-Muslim population. Similar nominal contiguities will have to ~~be~~ be ignored and unless the areas are substantially contiguous to one another, they will have to be left out of consideration. If these small matters are taken into consideration, it will lead to the creation of numerous wedges and tongues in the area of either zone and this will be repugnant to all the principles on which a boundary between two sovereign States has to be demarcated.

Before proceeding to examine each item of the claim made by the major parties, I would like to point out that on a fair and just view of the whole matter, the dispute between the contestants should have been narrowed down to the central districts of the Punjab. The two divisions of Ambala and Jullundur in the east have admittedly a preponderant non-Muslim majority. In both these divisions is over 65 ~~per cent~~ cent. of the total population. one of these tracts is situate between the rivers ~~&~~ Jumna and the Sutlej and the other between the Sutlej and the Beas. The population of each tract is more or less homogeneous. Beyond the Sutlej the language is different and social customs and

between the Sutlej and the Beas, the people residing in the districts in that Doab are knit up together by all kinds of ties. Their social life is the same; their economic life is knit together; their markets are common; the communications are intermixed and in all manners they are the same people. The non-Muslims' interest in the commercial, economic and industrial life of these tracts as well as in the agricultural life is predominant, and therefore, they are predominantly non-Muslim areas. Similarly, the two divisions in the west, Rawalpindi and Multan, should have been entirely left out of the contest. In those two divisions the Muslim population is predominant and the population majority factor cannot be overridden by other considerations, though the non-Muslims have considerable economic interests in those areas both commercially and industrially and from the agricultural point of view. But as the dispute is raised even as regards parts of these divisions, the matter will have to be decided.

I propose now to look at the picture of the Province in the light of the view set out above. As I have already said, in doing I can attach no importance merely to administrative units of the Province, whether big or small. These units were carved out for administrative convenience on a purely artificial basis. The areas of these administrative units have been lumped together without any regard to their natural geographical situation or their homogeneous nature. Take for instance, Ferozepore Tehsil of that district as

as an administrative unit. A part of it is situate beyond the Faridkot State and there is no contiguity with the main area of the tehsil.) The tehsil does not form one compact area for geographically its two portions have anything in common. The matter has been considered from a purely administrative point of view. The same remarks apply to parts of the Gurdaspur Tehsil and parts of the Pathankot Tehsil beyond the river Ravi. Instances of this nature can be multiplied to establish the fact that administrative units are not areas which can satisfactorily be considered for the purpose of ascertaining contiguous majority areas of Muslims and non-Muslims. The parties themselves seem to be labouring under this difficulty and they have adopted a sail, a thana, or even a group of a new villages in a zail, as a unit as it best suited the claim that they were making. This matter is aptly illustrated by the plans annexed with the memorandum[†] of the Ahmadiya Community. The contiguous Muslim majority areas and non-Muslim majority areas vary according to the administrative unit that is adopted for ascertaining the basis of population.) A very interesting illustration is furnished by the Muslim League claim for a part of the Fazilka Tehsil. In this Tehsil Muslims are 43 per cent. of population, but the League has split the area of the tehsil in such a manner that in one part of it their population becomes 75 per cent. The Congress can easily meet this case by proceeding on the same line of reasoning and convert considerable portions of ^{the area of} ~~the~~ Muslim majority ~~the~~

[†]Not printed

tehsils into non-Muslim majority. In my opinion, it will be highly unsatisfactory to decide the question of boundaries between two sovereign States on the basis of these ~~question~~ artificial units. The areas to be considered should be substantial areas knit together wither by reason of their geographical situation or by reason of any economic connection such as a canal system or some other factor which leads to th^{like} the homogeneity of that area just^{like} the of common market facilities or other economic rights. Paragraph 13 of His Majesty's Government* of 3rd June, 1947, furnishes some guide to this. The district of Sylhet has a Muslim majority, but on this ground alone, it was not assigned to East Bengal. Even after a referendum had been taken, only those parts of Sylhet where there was a Muslim majority in contiguity were to go to East Bengal, along with parts of any other non-Muslim contiguous districts answering the same description.

If the Commission decides to proceed on the ~~theory~~ theory of units, the only real unit which provides test of contiguity on the spot is the village and if a map of the central districts of the Province, with Muslim and non-Muslim villages marked, is prepared, it will give quite a different picture of these districts than is asserted by the respective parties.)) It will show that the Muslim and non-Muslim populations are mixed and there no areas of Muslims or non-Muslims. Here and there a cluster of Muslim or non-Muslim villages can be located, but the rest of the area will show an inter-mixture without any contiguity. The point may be illustrated by the interesting case of Batala Tehsil. In this tehsil, there is an excess

*Pages 1-5 ante.

of 31,000 Muslims over the non-Muslims, but the whole of this surplus with some further additions to it can be located in the town of Batala and and Qadian with their suburbs and in the ~~tail~~ of Fatehgarh Churian. Excluding this area, the rest of the Tehsil becomes non-Muslim majority area, though the villages of both communities even in that area are intermixed. Fazilka is another interesting ~~instance~~ instance, and there are many more. I have already said that with varying units different results can be obtained. An analogous case that of Jullundur Tehsil claimed by the Muslim League. There again, if the town of Jullundur and its bastis are excluded from consideration, the rest of the tehsil will show a non-Muslim majority. Therefore, if we proceed on the village on the village basis, the conclusion is ~~a~~ inevitably that in these districts ~~xx~~ itx is not possible for the Commission to ascertain with any certainty two blocks, one Muslim and the other non-Muslim, which can be described as contiguous majority areas of these communities. On the other, it will have to be held that there are no well-ascertained~~x~~ areas which can fall in that description, but the populations are mixed and, therefore, the primary test laid down in the reference has no application to the case of these districts and their fate must be decided on other factors. If other factors are considered, they are predominantly in favour of the non-Muslims.

✓ The Muslim League have based their claim on the assumption that tehsil is the proper unit in

ascertaining contiguous areas of Muslims and non-Muslims, as it best suits their case. In my opinion, this assumption is unsound. Collection of villages of a community in a tehsil is not necessarily contiguity in the whole tehsil./ Zail maps of certain tehsils were prepared at my instance by the Financial Commissioner to demonstrate the view that I am taking. The population of villages in each zail in a tehsil is given according to 1941 census. The matter may be explained by reference to the case of Ferozepore, Zira, Nakodar and Jullundur Tehsils. It was contended about these Tehsils that in these Tehsils there exist Muslim majority areas in contiguity with one another. If the zail maps of these tehsils are placed in contiguity, the result is different. It will appear that the part of Ferozepore that is continuous to Zira is non-Muslim ~~majority~~ ~~area~~ area. Same is the case with the part of Zira ~~contiguous~~ contiguous to Ferozepore. Similar result appears in the case of contiguity of Zira to Nakodar and Nakodar to Jullundur. It seems that the populations of these tehsils are concentrated in belts; ~~the~~ riverain belt is the Muslim belt. In these circumstances, an artificial unit like a tehsil cannot be accepted to decide the facts of communities. The geographical situation of area is the best test. It could legitimately be claimed by the Muslim League that the riverain tract of certain tehsils is ~~is~~ a Muslim majority tract and if they can establish its contiguity and can satisfy that a proper border can be laid down there, the point be worth investigation. The unit must be either economically knit together

175

or in any other manner, to make it one homogeneous area. Tehsil is certainly not such an area. It is artificially demarcated for the purpose of ~~for~~ collecting revenue. The case can further be illustrated by the zail map of the Sheikhpur Tehsil; the contiguous central belt in the whole tehsil is non-Muslim, while on both sides of this belt is Muslim majority.

In view of the principles enunciated above, the area of the Ambala Division and the part of Jullundur Division beyond the Sutlej, taken as a whole, is one geographically contiguous area in which there is a predominance of non-Muslims in population. Beyond Ludhiana linguistically, economically, commercially and industrially the area α is well knit together. There is a portion of the Jullundur Division adjoining the riverain tract of the Sutlej and the Beas in which in a sort of a rough semi-circle there is a Muslim League and will be considered in detail ~~later~~ later on. But in my opinion on broad view of the situation this claim cannot be sustained as it creates a salient or a projection a non-Muslim α majority area. It even proceeds through a number of Indian States. The whole of this area does not represent any common geographical features and is not knit together by any common ties at all. It is ~~merely~~ merely joined together by some sort of unsubstantial contiguity. As I have said already, on this line of reasoning, non-Muslims can easily work out non-Muslim majority in admittedly Muslim majority areas and as a matter of α fact during arguments this effort has been made and with considerable force.

Next comes the well known Doaba tract between the river Sutlej and the river Beas, familiarly known as the Bist Jullundur Doab. It includes the two districts of Hoshiarpur and Jullundur. This Doaba is geographically one area, well-knit together linguistically, socially, commercially and from the economic point of view. To divide this area into two sovereign States is an unthinkable proposition. In the whole of this area there is a substantial non-Muslim majority, though in certain zails and in certain parts of the tehsils there is certainly a Muslim majority. Take, for instance, the claim for the whole of the Jullundur Tehsil. If the town of Jullundur and certain round about it are eliminated from the tehsil with one or two small pockets in the rest of the area of the tehsil, the whole of the area is non-Muslim and the same remarks would apply to Nakodar Tehsil and other parts of the claim of the Muslim League in this Doaba ~~and~~ tract. The non-Muslims in this have predominant commercial and industrial interests, and economically also they are in predominance in the matter of payment of taxes of all kinds and the matter of ownership of land and payment of land revenue. No workable satisfactory line of demarcation can be laid here. A part of this area is ~~covered~~ covered ~~by~~ by the Kapurthala State. In my opinion the whole of the Doaba tract should be treated as one area and then determined whether the whole of this is a contiguous non-Muslim area or a contiguous to the non-Muslim population

xx xxx xxx

xxxxxxxxxxx area.

on

This tract/ one side is contiguous to admittedly

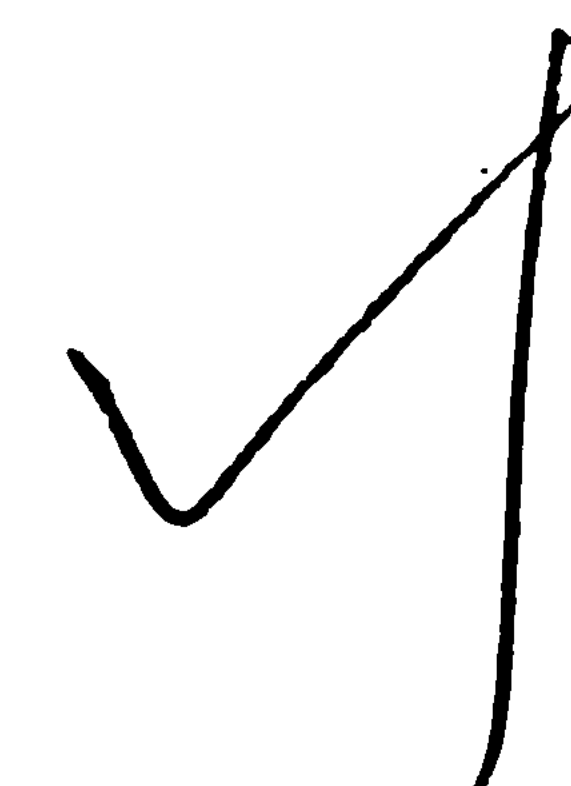
overwhelming non-Muslim population in the Kangra district. It is also contiguous to the non-Muslim majority parts of the Ambala Division. It is contiguous also to the Amritsar district, ~~dx~~ which is non-Muslim majority area and, therefore, the whole of it should go to Eastern Punjab. Zails and Tehsils cannot be considered to the areas for the purpose of the reference in this tract.

The next area geographically is one between the river Beas and river Sutlej on one side and the river Ravi on the other. It is divisible into three parts: (i) the tract between the Ravi and the Beas, (ii) the tract between the Ravi and the Sutlej covering the districts of Montgomery and Multan. The two districts of Montgomery and Multan have really nothing in common with the upper parts of this tract, that is Gurdaspur and Amritsar districts. In respect of this tract there is one very strong and predominant factor which makes a considerable portion of the districts of Gurdaspur, Amritsar and Lahore as one unit and this common and ~~this~~ predominant factor is the existence of the Upper Bari Doab Canal. The branches and distributaries of this canal have woven a spider's web over a substantial ~~ax~~ part of the area beginning from Madhopur, the headworks of the canal, to Chunian Tehsil in the Lahore district. In my opinion the area commanded by the Upper Bari Doab should be treated as a unit for the purposes of the reference and there are very strong and forceful grounds for doing so. The area commanded by this

(Contd-----35)

canal should not be split into two sovereign States as it will destroy the utility of the whole of the irrigation system under this canal. It will not only destroy the utility of the irrigation system, it will also affect the economic life of the people who get the benefit of this canal. The tract commanded by this canal up to Chunian is called Majha tract and beyond Chunian there are certain non-Muslim majority towns right up to Vihari which can be connected with this area. The Majha tract, in my opinion, is one area for the purposes of the reference and should be treated by the Commission as such. The whole of this tract has a non-Muslim majority and non-Muslim predominance from every point of view. This is the tract which has been described by historians and ~~Settlement~~ Settlement Officers as the "homeland of the Sikh Jats". The figures taken from the revenue papers of the persons who own land in this tract in the Gurdaspur district, in the Amritsar district or in the Lahore district, clearly indicate that the non-Muslim own over two-thirds of the total area in the tract. They pay more ~~a~~ than two-thirds of the total land revenue in this area ~~and~~ in the tract number of the non-Muslim owners and occupancy tenants is more than the number of Muslim owners and occupancy tenants. This tract is the Sikh peasant proprietors' tract and has been developed as a single unit along the Upper Bari Doab Canal which is the life-line of the people of this tract. The following statement gives the exact figures of ~~at~~ land revenue, area owned and the number of

Economic factors



owners and occupancy tenants in this tract.

Economic

The total revenue of the area in these three ~~max~~ districts is Rs. 55,23,439. The Sikhs pay Rs. 32,31,591 and Muslims pay Rs. 15,88,293 and others pay Rs. 7,03,555. The total acreage cultivated in the three districts is 3,055,127 acres. Sikhs own 2,012,783 acres: Muslims own of 1,24,807 acres and the total non-Muslim is 2,630,320 acres. The total number land owners and occupancy tenants in the three districts is 707,276, out of which Muslims are 315,100.

The excess of non-Muslims over Muslims is 77,076.

If occupancy tenants are excluded from consideration then the excess of non-Muslims over Muslims 84,102. The statement of figures supplied by the Muslim League confirms the figures above mentioned.

Economic

The whole area is about 3,000 square miles and is marked on the plan produced by the Congress. It is one contiguous area with the non-Muslim majority population of the Pathankot Tehsil of the Gurdaspur district and the Kangra district. The total population of this tract of about 3,000 square miles is roughly speaking 2,264,338 and there is an excess of the non-Muslim population in this area of over 150,000. I have said, this area, called the Majha, has the following common features:-

- (a) Common irrigation system.
- (b) Homogeneous economic life.
- (c) It is a tract of peasant proprietors, predominantly Sikh.

(Contd-----37)

- (d) It is the homeland of the Sikh around which the whole history of the Sikh religion and their rise as a political power centres and if is in this area that a very large number of their holy shrines and historical monuments are situate.

The figure above mentioned can be worked out on the irrigation maps and the census figures of the various villages indicated ~~in~~ on the irrigation maps. // In my opinion the integrity of this area must be maintained and it cannot be split up into two sovereign States, and this tract, if it is treated as a unit and the remaining areas of the districts of Gurdaspur, Amritsar and Lahore, excluding for the time being the city of Lahore and certain small Muslim majority pockets in this tract, must go to the Eastern Punjab. The area excluded will be separately dealt with. The learned counsel for the Muslim League did not deal with this tract as a unit because in his view the unit is a tehsil. He mentioned that in the population of three districts taken together there was an excess of 238,000 of Muslims. This fact was never disputed by any one. Out of 42 lacs population the Muslims have an excess up to the extent of that figure. But the claim on behalf of the Congress was limited to the area commanded by the Upper Bari Doab Canal which is about the area of the three districts taken together. It was contended that in that area there was a non-Muslim surplus of about 161,000. In the rest of the area most of the excess of the Muslims over the non-Muslims was accounted for by the population of the town of

Lahore and of a few other known areas.

A look at the Upper Bari Doab Canal map would show that Gurdaspur, Batala and Amritsar are in the Central area traversed by the canal and cannot be separated from it. They are an integral part of that area, while Lahore proper is at one end of the divisional boundary line and is really not a part of the canal area. The walled city gets no benefit from the canal and even in the civil station it is only a few residents whose gardens get a supply of water from it. The predominant interest in the canal area is ~~ax~~ of land-owners and of occupancy-tenants and of those who pay the largest revenue and own the largest acreage. Mere tenants-at-will have no interest in the canal water. Their tenure is at the mercy of the land-owners. If the area commanded by the Upper Bari Doab is treated as a unit, then it must be held that Lahore city is no part of this Unit and has to be considered on its merits.

According to the Muslim League the population of Muslims within the canal boundaries works out to 51.55 per cent., but this percentage is bound to go considerably below 50 if the excess Muslim population ~~bound to go considerably~~ in the town of Lahore, which is considerable, is excluded from consideration. The landless people of Lahore cannot be considered if the unit is the ~~in the~~ irrigation system and those who pay revenue their number is included in the list of land-owners.

This calculation of percentage seems to be

erroneous. A table was put in (30/5) showing certain figures but no details were given. The Congress table gives details villagewise. In the League table about 470,000 odd population of Batala Tehsil is included in Bari Doab Canal area. This ~~xxx~~ seems obviously wrong, as most of the Tehsil is commanded by the Canal.

Before proceeding to the next administrative division, it may be mentioned that according to map* No.20 submitted by the Muslim League it is obvious that the population of the Gurdaspur and Amritsar districts is a mixed population and there is really no contiguity of any Muslim population area which can be ~~xx~~ said to be their majority area. A look at the map shows that non-Muslims predominate in the area. The Commission has to ascertain ~~contiguous~~ contiguous majority areas of Muslims and non-Muslims. In other ~~xx~~ words, it has to ascertain areas and no populations, i.e., areas in which one community predominates over the other. In the tract of Gurdaspur, Batala and Amritsar it is not possible to ascertain any such contiguous area in which Muslims ~~xx~~ are in a majority and, therefore, on the ascertainment of these areas no decision can be given. The most prominent factor of the area including Gurdaspur is that non-Muslim owners and occupancy-tenants exceed Muslims by 72,000 odd. The land revenue paid by them 66 per cent., while that paid by the Muslims is 33 percent. The acreage is owned in the same ratio. The interest in the canal

*Not printed

(41)

This claim starts with Pathankot Tehsil as a non-Muslim majority area at one end. As regards the next tehsil, namely Gurdaspur, according to the census figures the Muslims are in excess of non-Muslims by 14,177. It was urged that this Muslim excess was concentrated in one white pocket demarcated on the red plan and that in this white pocket the population of the Muslims is 44,919 as against non-Muslim population of 20,224 and in this small area alone they are in excess by 24,695. Therefore, it is obvious that the Muslim population in the Gurdaspur Tehsil was concentrated in one small area and it could not be said that in the whole of the tehsil there was any contiguity of the Muslim majority. The next tehsil dealt with was Batala. In Batala again the Muslim population is concentrated in three localities, Fatehgarh, Churdian, Batala town and suburbs and Qadian town. In these three places the Muslims are in excess of the non-Muslims by 51,235. The whole excess of the Muslims over the non-Muslims in the whole of the tehsil of Batala is 31,501. It is therefore obvious that not only this excess in the whole tehsil but considerably more Muslim population is concentrated in these three localities and in the rest of the tehsil it cannot be said that there is any contiguous majority area of the Muslims. ~~Therein~~ ^{12,374} the non-Muslims are in a majority by ~~12,374~~. In the Ajnala Tehsil as a whole the Muslims are in a majority of 44,829 over the non-Muslims, but within the red area

178

which is to be kept as one unit of the non-Muslims predominates. Sir Mohammad Zafarullah Khan argued that if all the three districts are taken together and tehsil is taken as unit, then there is a Muslim majority in the area. This cannot be denied. Including the city of Lahore, Muslims are certainly in majority in this area. But that is not the case of the non-Muslims. Their case was confined to the tract of 3,000 square miles commanded by the canal and called Majha tract. Considerable argument was addressed that if the whole ~~of~~ Doaba between the Beas and the Ravi up to Multan was taken as one tract, the Muslims predominate. This undoubtedly so. But it is no one's case that the whole of it should be treated as one ~~part~~ tract. There is no homogeneity in the area commanded by the Upper Bari Doab Canal and that commanded by the Lower Bari Doab Canal. The Lower Bari Doab takes its water from the Chenab through the Ravi at Balloki while the Upper Bari Doab Canal takes its water from the Ravi ~~thence~~ direct. The headworks of the former are in the West Punjab, while the headworks of the latter are at Modhopur, in a predominantly non-Muslim area. The Congress enlarged its claim by including in the Majha tract certain other parts of the three districts above mentioned and which are said to be contiguous non-Muslim majority areas. The population of this area up to 2,622,815. Detailed statement contains all relevant figures. Muslims in this whole area are 1,421,257. The plan along with the statement (if the area is surveyed village-wise) proves the claim.

*Q. 11111
Tehsil
C. A. 11111*

the non-Muslim excess is 4,762, as the Muslim population is concentrated in the riverain tract of Ajana. Tarn Taran and Amritsar have admittedly an excess of non-Muslim population over the Muslims to the tune of 146,000. In the Lahore Tehsil though the Muslims are in excess by ~~21~~ 215,790 as a whole, within the red area the non-Muslims exceed the Muslims by 6,705. In the same way in the red area in the Kasur Teshil there is a non-Muslim excess of 11,591, though in the whole tehsil the Muslims are in a majority by 59,573. In Chunian Tehsil also, though in the whole Tehsil there is a Muslim excess of 85,706, within the red area there is an excess of non-Muslims of 1,100. It is in view of these figures that the portion marked red on the Congress plan is claimed for the East Punjab and it is said that this is a larger area than the Majha tract and this area there is no Muslim contiguous areas which can be assigned to the West Punjab.

(e) A very important circumstance that conclusively

leads to the conclusion that the area

of the Upper Bari Doab Canal should be treated as one unit and should be kept in the Eastern Punjab is the fact that this canal was dug by the demobilized Sikh soldiers of the Sikh Government in year 1851 and the project was undertaken on political consideration with the sole purpose of settling these disbanded Sikh soldiers of the Majha. This fact has been historically established by the references mentioned

(Contd-----43)

*Chapter 10
The Bari Doab
Canal*

in the address of the counsel for the Congress and the Sikhs. The canal was made by the Sikhs for the Sikhs and cannot, therefore, be handed over to the Pakistan Dominion, particularly as I have already stated, of the area commanded by this canal over 66 per cent, is owned by the Sikhs and their number both as landowners and occupancy-tenants is in excess of the number of Muslims and the population of this area is also predominantly non-Muslim.

Another very strong argument for keeping the area commanded by the Upper Bari Doab Canal in one Unit is that the water of this canal gives supply to the sacred tanks of the important shrines of the Sikhs, namely the Golden Temple of Amritsar. The Taran Taran shrine, the Khadur Sahib shrine and various other shrines located in this area. As a matter of fact Maharaja Ranjit Singh dug a canal from the Ravi near Modhopur called Hansli for the purpose of supplying fresh water to these sacred shrines and its place was subsequently taken by the Upper Bari Doab Canal. The Hansli was converted into the Upper Bari Doab canal and its water were spread over the Majha and were supplied to the sacred tanks ~~to~~ of the Sikhs.

The Congress also put in a plan connecting this predominant area with other non-Muslim areas up to the Tehsil of Mailsi in the district of Multan. This total area when added to the area

commanded by the Upper Bari Doab Canal
 become= about 5,200 square miles and there
 is an excess of the non-Muslim population
 in the neighbourhood of 235,500, out of a
 total population of this red area of 3,092,298
 as shown by the note [&] produced by Mr. Setalvad.
 It cannot be doubted that in this area there
 are Muslim villages and the Muslim population
 is considerable and the plan has been prepared
 on the basis of carving out only areas of
 these villages or those parts of a tehsil
 or the whole tehsil by excluding certain
 groups or cities or villages in which the
 Muslims preponderate. In this they have
 followed the method adopted can be converted
 into minorities and vice versa by the method
 adopted in the present stage I am only
 confining my opinion to the area commanded
 by the Upper Bari Doab Canal or contiguous
 to it. Ignoring the administrative units and
 taking into consideration the canal system,
 there is unity in this area. As I have already
 said, administrative convenience is no guide
 for determining areas of contiguous Muslim
 and non-Muslim majority population under the
 reference.

At this stage the claim made on behalf of
 the Muslim League regarding the part of the
 Pathankot Tehsil is which the headworks of the
 Upper Bari Doab Canal are situate may be
 considered. A bare majority of landless persons
 cannot be considered in the management of the

headworks of a canal. The benefit from the waters of a canal is only derived by the land-owners and must be managed by those who own a predominant area on that canal and pay the maximum of land revenue and should not be entrusted to those whose interest in the canal is less than one-third. It is true that the number of Muslim land-owners and occupancy tenants though smaller than the number of non-Muslims is not in the ratio of 1/3 and 2/3, yet this number cannot be considered when the benefit or the interest in the canal has to be determined. Water is distributed on acreage basis the Muslims own one-third of the area commanded by this canal and, therefore, their interest is only one-third in the waters of this canal and they cannot claim that they are entitled to manage the headworks of the canal.

180

It is interesting to observe that the Muslim League, while claiming Madhopur headworks, have drawn their boundary in the Tehsil of Pathnakot so as to include a large part of that tehsil, including the town of Pathnakot, which is at a considerable distance from the headworks ~~of~~ and the canal itself. No explanation whatever is given why this has been done. The Irrigation Department has already acquired sufficient area necessary for the maintenance of the canal and its headworks half and for over a century that area has been found sufficient for efficiently running the canal. No case has been made out for ~~an~~ demarcating further area for the purpose of maintaining or

running the canal properly.

Now I proceed to examine the case from the point of view of the administrative units situated in the tract between the Beas and the Ravi, i.e., districts of Gurdaspur and Amritsar and the district of Lahore. The first district that I will consider is the district of Gurdaspur. This district is split up in two parts: (i) the part beyond the Ravi, and (ii) the part in the tract between the Ravi and Beas. The district measures 1,827 square miles. Its population according to the census of 1941 is 1,153,511, of this Muslims are 589,923 and non-Muslims 563,488, the difference being 26,435 in favour of the Muslims. The percentage works out to 51.14 Muslims and 48.86 non-Muslims. These figures need amendment in view of an arithmetical error that was discovered in original census register of the Shakargarh Tehsil by the counsel for the Congress and an affidavit was produced before the Commission on this point. According to this affidavit instead of the Muslim majority of 7,625 in the Shakargarh Tehsil the real majority of Muslims is only 1,627. This error will affect the total of the whole district and reduce the Muslim majority from 26,000 to 20,000 and thus affect the percentage calculation as well. The Muslim League challenged the figure abovementioned and said that there was an error to the extent of 1,100 in the arithmetic of the original register but that the printed figures were more reliable. It was, however, contended that whatever the figure,

there was clearly a Muslim majority in the tehsil. A commission was appointed to check figures and it was found that Muslim excess is 4,695 as given in printed figures.

Apart from this consideration the question ^{been} has ~~argued~~ very vehemently that really this majority of 20,000 or 25,000 odd of Muslims over non-Muslims is a fictitious majority because the census of 1931 as well as of 1941 was not a reliable one. Lengthy ~~arguments~~ have been addressed on this point and are contained in the various arguments and the memoranda submitted by the parties and need not be reiterated here. I am of the opinion that when the majority is so small in a population of 1,150,000, this is not a majority which form the basis of determining contiguous areas of ~~and~~ Muslims and non-Muslims. As I have already said, the language employed originally was of demarcating predominantly Muslim and non-Muslim areas. An area like the Gurdaspur district can certainly not fall within that description. In view of the ~~x~~ unreliable nature of the census figures, such a majority in my view ~~should~~ be ignored. If an arithmetical error has been found in one tehsil, how is it possible to think that no such error has been made in other tehsils. In my judgment on a thin majority like this the Commission cannot satisfactorily demarcate contiguous Muslim majority ~~and~~ ~~the district was~~ and contiguous non-Muslim majority areas, particularly when it cannot be omitted from consideration that up the year 1921 in this district

there was even according to the census figures a non-Muslim majority and the district was a non-Muslim majority district. The unwilling ~~of~~ sections of the population cannot be handed over to the rule of a religious community on the basis of such a slight majority which has only come into existence during the last two decades.

✓ This majority is further reduced if the Muslim population in the trans-Ravi part of this district is omitted from consideration in considering the central parts of the district.

181X

It was about this district that His Excellency the Viceroy in his press conference made the following observations:—

"In the district of Gurdaspur in the Punjab the population ratio is 50.4 per cent. Muslims and 49.6 per cent non-Muslims. The ~~of~~ difference is .8 per cent. You will see at once that it is unlikely that the Boundary Commission will place the whole of the district in the Muslim majority area."

There might be a slight error in calculation of the percentages given in above statement, but in my opinion the basis of the statement of His Excellency holds good in spite of this error.

There, however, a much stronger reason than this for saying that this district is a non-Muslim majority district. In order to determine the wishes of the people of the Frontier Province and of Sylhet

Gulistan

a plebiscite was taken according to the statement* of His Majesty of the 3rd of June and the persons who were entitled to vote in this were those whose names were borne on the electoral rolls prepared under the Act of 1935. If a plebiscite is taken on the the lines on which it was taken in Sylhet or in the North-West Frontier Province, then it would appear that that plebiscite would go in favour of the non-Muslims. The electoral rolls disclose that in the Gurdaspur district there are 74,790 Muslims voters as against 81,525 non-Muslim Voters. If for the purpose of exercise of political rights in the matter of partition the test laid down in other parts of India is the plebiscite test, then I do not see why that test should ~~be~~ not be employed in this district when the population majority is one per cent. or $1\frac{1}{2}$ per cent.

Mr. Setalvad also drew out attention to page 21 of the Congress memorandum† and he worked out from the figures of 1931 ~~and~~ the total adult population of the ~~district~~ district for the year 1941. From these calculations it would appear that the adult Muslim population, who can have a vote on the basis of adult franchise, is less than the adult non-Muslim population. Sir Mohammad Zafarullah Khan furnished a statement of adults in 1947 calculated by him on a different method, and showing 50.9 percentage of Muslims and also urged that some Christians and Scheduled Castes might vote ~~the~~ with them. In my view no conclusion can be reached on the conjectural figures. If a referendum is taken

*Pages 1-5 ante. †Not printed (Contd-----50)/

in the same way as in Sylhet or North-West Frontier Province, it would be on the basis of existing electoral rolls and these, ~~as~~ as already mentioned, go against the Muslim League claim.

Again, it seems to me that there is no Muslim majority area to which the three tehsils of Gurdaspur district, which have a majority of Muslim population, are contiguous. The Pathankot Tehsil has admittedly a substantial majority of non-Muslims over Muslims. The Gurdaspur Tehsil adjoins this non-Muslim area. As I shall show later, even on the other side of the Ravi a considerable area, as a matter of fact the whole tract of over 3,000 square miles, is non-Muslim in majority. So there is no contiguity of this side. The Jullundur Division that is contiguous to this area on the third side has a substantial non-Muslim majority. The Amritsar district on the ~~next~~ ~~or~~ fourth side has again a considerable non-Muslim majority. The only possible contiguity that can be worked out to this area is to a part of the Ajnala Tehsil of the Amritsar district if it is held that the portion of the Lahore district ~~adjoining~~ adjoining Ajnala is a Muslim majority area. The two tehsils of the Gurdaspur district, even if they are held to contain a Muslim majority to a certain extent, are not contiguous to any substantial Muslim area and therefore, they cannot be assigned to the Pakistan Dominion.

Contd-----51)

Besides the factor of population all other factors make a strong case for joining this district to the East Punjab. The figures of land revenue, land-owners and acreage held by Muslims and non-Muslims have already been given. The figures given in the Congress memoranda* and in the arguments about income-tax, urban immovable property tax and ~~xxx~~ sales tax show that the non-Muslims in this district have predominantly economic interest.

The means of communication, the railway system, the road system, the telegraph and telephone system and even the hydro-electric system of this district, are one and the same along with the Pathnakot Tehsil and the whole of the Kangra district up to the States of Mandi and Suket on one side and Chamba and Kashmir on the other. The district is, as I have already said, irrigated by one canal system. The markets of the district are in the contiguous non-Muslim majority area. As a matter of fact the market for the whole area of the Kangra district in the Jullundur Division, Pathnakot Tehsil, trans-Ravi area of the Gurdaspur district and parts of Sialkot district is in the ~~in~~ town of Amritsar, which is predominantly a non-Muslim area. The determining point for all these communication is Amritsar and if we place the two tehsils of the Gurdaspur district in this area in a different sovereign State than the district of Amritsar, it would create considerable confusion in all these matters and will destroy the economic stability of the people of this district and will interfere with their commercial and industrial life. No road will

be left for contact of Kangra district and the neighbouring States with Indian Dominion. Even to Pathankot itself which is the nerve centre of communications for the areas beyond it there will be no connecting road. The Kacha Hoshiarpur ~~skam~~ road without any bridge on the Beas would also be stopped if the League claim to Jullundur and Hoshiarpur Tehsils is allowed and the whole of this area will have no communications with the rest of India except from Pathankot to Kulu and from Kulu to Simla. It will mean that any person going from Delhi to Pathankot will have to proceed through Simla hills and undertake a journey of several days before he can get to Pathankot and ~~va~~ vice versa.

It was argued on behalf of the Muslim League that there could be built an alternative railway from Mukerian to Kangra Valley and reference in this connection was made to a scheme propounded by Col. Betty more than 15 years ago. That scheme connected the the Kangra Valley with the North Western Railway through Mukerian. It did not connect Rupar with Kangra. So far as one knows, to connect Rupar with Mukerian or to take a railway line through the sand hills of Una is not a feasible proposition. Even if such a proposition ~~sk~~ could mature, it will take a considerable period before a railway could be built and meanwhile the populations living on that side will be under considerable difficulty.

As regards roads, it was said that Kangra Valley could be connected by a road from Bharwain to Rupar

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and post-war scheme proposals for this road were referred to. It is a question how long the post-war proposals will take in maturing. These were proposals of a government that disappeared and building a bridge over the Beas is not a proposition than can mature very soon. Moreover none of these routes can help Pathnakot and its neighbouring ~~territory~~ territory or Dalhousie and Chamba States. A look at the plan will show how circuitous the route will be. Pathankot is the nerve centre for supplies and communications to the whole of the hill area. A change in the communication already existing will seriously affect the communications and the supplies to those places.

Strategy

From strategical and defence point of view no satisfactory or workable line can be drawn if the two tehsils of the district are assigned to the Pakistan Dominion. There is no natural line of defence between the two districts of Gurdaspur and Amritsar and if any artificial or inartistic line is ~~dr~~ drawn it will lead to daily conflicts and quarrels between persons residing on two sides of the boundary line. Defence lines will have to be built up two or three times over in this part.

183

According to the topography of the district, its canal system and means of communication, etc., the district is really one unit with the Amritsar district. The area of both districts taken together 3,318 square miles which the average area of a fair-sized district in the Province. The whole area beginning from

(Contd.-----54)

✓ the eastern boundary of Pathankot, right up to the boundary between the districts of Amritsar and Lahore, can easily be regarded as one area, though comprised administrative units. In this area there is substantial non-Muslim majority of 72,000 odd. Therefore, apart from the point of view of the ~~xxx~~ irrigation system already discussed, if these two districts are treated as one area for the purposes of the present reference, they have a preponderance of Non-Muslims over the Muslims and they are contiguous to non-Muslim majority areas. As I have said, the whole of this unit economically speaking is one unit. Linguistically, also it one unit; people speak a common language, have the same customs and modes of life, and they have social relations inter se and, therefore, ~~at~~ these populations should not be split up as such splitting would affect their social and economic life and would make them foreigners to one another. These two districts form the upper part of the Majha tract which, as I have already said, is the home of the Jat Sikhs. The inclusion of Gurdaspur district in the eastern zone would consolidate the Sikh position in that part as it will add over two lacs of Sikh population in that zone and very important shrines of Sikhs, as appears from the various argument and memoranda, are situate in this part.

✓ The Ahmadiya community of Qadian addressed arguments to the Commission about their special claim to Qadian and the tehsil of Batala. In my opinion their claim stands or falls with the Muslim

Batala
Qadian

League claim re regarding the district of Gurdaspur and the tehsil of Batala. Independently of that it is not, as a population of 14,000 in a small town cannot claim exclusion of that town on the ground of cultural and religious factors from the neighbouring majority tract. It would then become a pocket and the frontier would have be laid down round about it. It was argued by the learned counsel for the Muslim League that the cultural aspect of the Gurdaspur district has been developed by the Muslims and he mentioned a few papers published by the Ahmadiya community. He also mentioned certain small industries owned by Muslims in the town of Batala^{and} in Qadian. But if industrial and commercial interests are taken of the district as a whole, there is no doubt that the non-Muslims have predominant interest therein. The facts and figures are mentioned in the Congress memorandum*. It was said that if the partition was effected according to Doabs, then the Bari Doab area is predominantly Muslim. That is so if the whole is treated as a unit. But, as already pointed out, it is divided into the Upper Bari and Lower Bari and these two cannot combined in one unit.

The next administrative division in this tract between the Beas and the Ravi is the district of Amritsar. As a district it is admittedly a non-Muslim majority district. Combined with the ~~district~~ district of Gurdaspur the whole area has a non-Muslim majority. The Muslim League concedes that the tehsils of Amritsar and Tarn Taran are predominantly

*Not Printed.

non-Muslim; but it is interesting that in spite of the fact that according to the Muslim League memoranda tehsil is a unit, they have claimed in the Amritsar Tehsil the Zail or Thana of Majitha. This is an apt illustration of the inconsistency of the assertion of the League about units.

The other claim on behalf of the League is about the tehsil of Ajnala. A part of this tehsil is irrigated by the Upper Bari Doab Canal and as I have already said, that cannot be separated from this unit. In the rest of the tehsil decidedly there is a Muslim majority, but in my opinion there is no justification for taking that of it which is situate on ~~the~~ ^{it} this side of the Ravi and attaching to the trans-Ravi area. The whole tehsil is an integral part of the tract between the Beas and the Ravi and administratively and geographically is a part and parcel of this tract. On strategical grounds also this is not a workable proposition. So far as the economic, commercial, industrial and other grounds are concerned, the interests of the non-Muslims even in this are predominant. In my view, therefore, the district of Amritsar should be declared as a non-Muslim majority district.

About Ajnala one fact is interesting that geographically speaking it is divisible into tracts. In two of these tracts there is a majority of Muslim population and in other two there is majority of non-Muslim population. If it is considered advisable to ~~div~~ divide Ajnala which is on the Amritsar side of the Ravi, it is only the Muslim majority tract that can fall in the Pakistan Dominion.

The next district in this tract ~~is~~ is the

district of Lahore which falls partially between the rivers Beas and Sutlej on side and the river Ravi on the other.

Case Lahore

The part of this district commanded by the Upper Bari Doab Canal has already been considered and it has been said that that area has a ~~majority~~ majority of non-Muslims. This is the area covered by a part of the tehsil of Lahore, part of the tehsil of Chunian and part of the Tehsil of Kasur. The Chunian Tehsil, excepting the Hathar tract, is predominantly non-Muslim. The Gandasingh Wala polic-station, is also non-Muslim. The Lahore Tehsil on one side of the Upper Bari Doab Canal is non-Muslim and on the other side it is Muslim. In the result, there is a majority of ~~Muslims~~ Muslims in the whole of the district including the city of Lahore. Even if the various tehsils are taken as units, the Muslims are in majority. The above is the situation on the population basis. If my opinion regarding the Upper Bari Doab prevails, then the rest of the area of this district must be kept intact along with that area on the other factors that I am going to mention hereinafter, particularly the strategical factor, the factor of communications and the factor of economic life of the people. I am conscious of the fact that considerable Muslim ~~population~~ population will come in East Punjab as a result of this. The real point to be considered about the rest of the area is the city of Lahore. This city has admittedly a majority of Muslims in population and they have substantial other interests and institutions in the city. According to the census of 1941 that majority

works out to 64 per cent. and according to the rationing figures of 1945 that majority works out to 54 per cent. Whatever the percentage, it is substantial and therefore ~~ix~~ it is immaterial to decide the exact percentage in which the Muslims are in majority over the non-Muslims. If majority of population is the sole test under the terms of reference for demarcating the boundary, then nothing more can be said for assigning this town to the Eastern Punjab. But in my opinion, about this town the decision cannot be made merely on the basis of the majority of population which has really been attracted to this place owing to the industrial and commercial concerns started by the non-Muslims. The figures of ~~lab~~ labour in the district of Lahore supplied by the Department of Industries indicate that a considerable portion of the Muslim population in Lahore consists of factory labourers and this population has been attracted to the town as a result of the enterprise of the non-Muslims predominantly. If that enterprise ceases, the labour population, which is always of a ~~work~~ floating character, may disappear unless some other industries take the place of non-Muslim enterprise.

Importance of Lahore

The town of Lahore in my view stands on a special footing. It has been metropolis of the Punjab for several hundred years. Both east and west have contributed to its prosperity. Its economic life has mainly been developed by the enterprise of the non-Muslims. As a result of the agrarian policy of the Punjab Government during the last 20 or 30 years, a ~~work~~

(Contd-----59)

very large rural population of non-Muslims from Muslim areas has made Lahore their home. Purely non-Muslim abadis have sprung up and Lahore during the last 20 years has grown out of all recognition. More than 75 per cent. ~~bank~~ of the commerce of the town is in the hands of the non-Muslims. The banks, commercial institutions, insurance companies, and industrial concerns are mostly in their hands. The educational interests of non-Muslims preponderate over the Muslims in this town. The Arya Samaj, the Sanathan Dharam Sabha, Dayal Singh Trust, the Ganga Ram Trust and various ~~and~~ other non-Muslim institutions have made Lahore their centre. The non-Muslims have built costly and palatial buildings and a tour of the whole civil station in the town will show their predominant interest in this matter in the city. The urban property tax, the income-tax and other taxes paid ^{by} ~~in~~ the non-Muslims are in excess of the Muslims. There are of course certain small ones owned by poorer classes of Muslims and non-Muslims which are not assessed to urban immovable property tax. Big public institutions have been built by the non-Muslims in this town. Therefore, this town, though possessing a majority of Muslim population, is as much a town of the non-Muslims as of the Muslims owing to the various and diverse interests which they have in this city. In truth both the Muslims and non-Muslims can legitimately claim Lahore as their own town though on different grounds. If the factory labour is excluded from the population, the non-Muslims even on the population factor would not be in a minority. If I could, I would have suggested that this town should be left in the joint management of both the communities as a free city, its freedom being

Property in
Lahore

master
statement
H. J. P.

guaranteed by the two Dominions with a suitable constitution in which one community may not dominate over the other. But as, possibly, this matter is outside the terms of reference, I consider that in view of the strategical reasons and in view of the economic interests of the non-Muslims and owing to the fact of its contiguity to the tract of the Upper Bari Doab Canal, which canal to a certain extent also benefits the town ~~in~~ of Lahore, this must be included in the Eastern Punjab and the Western Punjab boundary should in no case begin on this side of the Ravi and must be fixed either on the Ravi or a little further west. The inclusion of this town in the Eastern Punjab would maintain the integrity of the railway system, the lines of communication, the hydro-electric system and the canal system. The railway workshop in Lahore is the only workshop available on the North-Western railway for the purposes of the East Punjab and the inclusion of this workshop in the Eastern Punjab would make it possible for that ~~pr~~ Province to run the railway in their own zone. Even from the point of view of cantonments it is essential to keep the Lahore Cantonment in the eastern zone, otherwise there would be disparity from the cantonments point of view in the two Provinces. This will also facilitate the fixing of barriers for customs and the changes in the railway engines, etc. The town of Lahore should remain as one unit with the tract that starts from Pathankot and ends with the Chunain Tehsil, i.e., the Bari Doab tract, and if separated from it on the basis of majority of population, it will destroy the integrity of the whole of this tract.

It may be argued that if the district of Lahore as a whole is included in the districts of Gurdaspur and Amritsar, the whole of this tract becomes a Muslim majority tract. This is certainly so, but this is by reason of the fact that the town of Lahore and certain portions of the urban areas which are not commanded by the Upper Bari Doab Canal have a preponderance of Muslims majority. The town which has been developed by the whole of the Province and has a population of over six lacs can certainly not be considered in determining the character of the tract and in spite of the addition of this town to the whole tract the Muslim majority would only be to the extent of that surplus in the city itself or even less.

186

Moreover Amritsar is a market for Gurdaspur while Lahore is not the market either for Gurdaspur or Amritsar. The economic factors in Gurdaspur, Amritsar and Lahore are predominantly in favour of putting these districts in the Eastern part. History, tradition and religion, if they play any part in delimitation of boundaries, then the three districts of Gurdaspur, Amritsar and Lahore should go to the East Punjab, apart from the economic factors already mentioned, particularly when the partition is being made on religious basis. Lahore is the town of the old Hindu Rajas and tradition that it was founded by two sons of Rama, the hero of the great epic Ramayana, and it is said that the first Vedic hymns were recited on the banks of Ravi. It then became metropolis of Muslim kings and they developed it and built a great mosque. The Shadara and Shalimar are the world's

famous monuments of Muslim kings. The Sikhs then made it their capital. A large number of their important shrines, including the place of martyrdom of the fifth Guru and the birth place of the third Guru, situate therein.

The Congress memorandum* has further connected with the Upper Bari Doab tract certain part ~~of~~ of Montgomery and Multan districts by including certain non-Muslim majority ~~xxxxx~~ villages and excluding Muslim majority villages or urban areas in their plan. This part of the Congress case I will consider when dealing with the districts of Montgomery and Multan. For the time being, I am of the opinion that in the tract between the Beas and the Sutlej on one side and Ravi on the other the three districts of Gurdaspur, Amritsar and Lahore should be included in the Province of the East Punjab and for reasons that I am ~~going~~ going to give later, the district of Montgomery should also fall in that Province, though it has admittedly a majority of Muslim~~x~~ population. The district of Multan, ~~in~~ in my opinion, cannot on any reasonable grounds, be included in the Eastern Punjab. As a matter of ~~a~~ fact it has nothing in common with the upper three districts of this ~~district~~ tract.

I have have omitted from consideration so far the case of the Shikargarh Tehsil of the Gurdaspur district as a separate entity for the reason that it did not fall in the Upper Bari Doab tract but fell in the Rachna Doab, that is in the tract between the Ravi ^{the} and ~~/Chenab/~~Chenab. So far as this tract between the Ravi and the Chenab is concerned, the first question that

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needs consideration is whether there are any non-Muslim contiguous majority areas in this tract. I find that two areas have been demarcated by Sikhs and the Congress on the plan and it has been said that these two tracts are contiguous non-Muslim areas in the Rachna Doab.

The first of these tracts is the Trans-Ravi tract beginning with the Pathankot Tehsil and proceeding right up to a part of the Pasrur Tehsil of the Sialkot district and including a part of the Narowal Tehsil of that district. The Congress call it the trans-Ravi non-Muslim tract, while the Sikhs call it Shri Kartarpur Tract, inasmuch as it includes the shrine commemorating the place where lie the remains of Guru Nanak, their first Guru. In this tract, according to the figures supplied to the Commission, there is a majority of non-Muslims of about 8,000 over the Muslims. The Muslim League challenged these figures and showed that in Shakargarh Tehsil including certain villages of Gurdaspur and Batala Tehsils they had a majority between two to five thousand. These figures are correct and have been found correct on being checked, but this does not settle the question, as the tract includes a part of Narowal area which is non-Muslim. This tract is geographically one tract. It is the tract adjoining the sub-mountainous Jammu territory. In this tract are included certain villages of Pathankot Tehsil across the Ravi, certain villages of Gurdaspur ~~or the~~ Tehsil and the whole of the Shakargarh Tehsil and, it is said certain ~~or~~ villages of Batala. The land revenue figures and the acreage figures are all in favour of the non-Muslims. The commercial and

economic interests of the non-Muslims in this area preponderate over those of the ~~non~~ Muslims. There are no factors at all in this tract in favour of the Muslim case. The only possible factor in their favour was a slight majority in the Shakargarh Tehsil of Muslims. But there is no reason to keep Shakargarh Tehsil as a unit, particularly in view of the fact that geographically speaking the trans-Ravi villages of Gurdaspur and Pathankot are part and parcel of this area.

In this tract is situate Shri Kartarpur, the holy shrine of the Sikhs of which a detailed description has been given in the arguments of the learned counsel for the Sikhs. Therefore, in my opinion the whole of this tract should be treated as one unit and declared as a non-Muslim contiguous area in the Rachna Doab.

Apart from the view that the whole tract should be treated as a unit, the case of Shakargarh Tehsil as such may be considered in another aspect. This tehsil is situate, as I have already said, on the other side of the Ravi. Geographically it is divided into ~~the~~ three portions.. A part of this tehsil is situate in the Andhar tract, an area between the Ravi river and Ujh river. This tract in the rainy season has no communication with the other areas and is a very fertile tract growing rice. It has very little in common with the other tracts of Shakargarh. Most of them are barani and are unirrigated and are as dry as dust. In this tract the villages have non-Muslim majority. The second tract is between the river Ravi and Ujh on one side and the river Bain on the other. In this tract

there is a mixed population of Muslims and non-Muslims with a slight majority in favour of the Muslims. Then there is tract between the river Bein and the river Basantar. Here again there is a non-Muslim majority. The zail map annexed to the Ahmediya memorandum* demonstrates this point clearly. Inside the tehsil of Shakargarh there is no contiguity between the Muslim majority areas and the non-Muslim majority areas. Adjoining this Tehsil, 4/5 of the Narowal Tehsil is non-Muslim. In my opinion, tehsil Shakargarh with a slight majority of ~~the~~ Muslim population taken even as unit should ~~be~~ not be allotted to the Western Punjab in view of the other factors already mentioned and particularly in view of the fact that it is a part of non-Muslim tract.

The other tract in the Rachna Doab which has been proved to be a non-Muslim majority tract has been demarcated on the Congress plan and is described as the Shahidi Bar. It consists of parts of several districts, namely, a part of the Sheikhupura Tehsil, a part of Nankana Tehsil of the same district, a part of the Lyallpur district, a part of the Gujranwala district, a part of the Shahdara Tehsil and Sheikhupura Tehsil and some parts of the Sialkot district. In the Lyallpur ~~district~~ district this tract covers parts of Jaranwala, Samundari and Toba Tek Singh Tehsils and the whole of the Lyallpur Tehsil. Muslims in the Lyallpur district are 233,555 and non-Muslims 384,424.

In the Sheikhupura, Nankana and Shahdara Tehsils of the Sheikhupura district in this tract, Muslims have -----
*Not printed.

a population 234,000. The Gujranwala Tehsil joined to this to this tract has a Muslim population of 31,000 and non-Muslims of 51,000. The Sialkot part contained in it has a Muslim population of 229,505 and non-Muslim population 268,266. The whole of this tract with a corridor through Narowal is joined to the Shakargarh tract and is contiguous to it.

Sika Tract
It is in this tract the famous Sikh shrine of Nankana Sahib is situate. This is the tract which has been described by certain Settlement Officers as the tract of the Sikh colonists from Amritsar, Jullundur, Gurdaspur and other districts of the Central Punjab.

188 One of them has called it as the "daughter of Amritsar" just as Shahpur is the daughter of the West Punjab. The tract has been developed with the efforts of the colonists from the Eastern Punjab. As a matter of fact this colony was originally developed for the benefit of the congested areas of the Eastern Punjab where the pressure of the population on the land is very heavy. In order to remove this congestion and the pressure the colony scheme was devised and this tract is really an accretion to the districts Amritsar, Gurdaspur, Jullundur, etc. The land revenue of this tract is 69 lacs and the exact figures for this area have been worked out in the table annexed to the Sikh memorandum*. The details of the zails included in this area are also given in that appendix as well as other figures about population, area and land revenue. The land allotted to non-Muslims is far in excess of the land allotted to Muslims and the same is the position
* Not printed.

of the land revenue. Out of the total land revenue of Lyallpur area included in this tract of 40 lacs, Sikhs alone pay 28 lacs. In the area of the Gujranwala district included in this tract the percentage of non-Muslim population is 51.2 and the ownership of land is 82.5 per cent. and the revenue paid by non-Muslims is 81.7 per cent. The Sheikhupura part included in it also shows preponderance of non-Muslims in all these matters.

It is quite clear that the policy of colonization was to put communities in different tracts. This is the tract which was assigned to the non-Muslims and they obviously have a majority in every respect in this tract. This tract, therefore, of about 4,300 square miles is a non-Muslim majority tract in the Rachna Doab apart from Shakargarh tract. The Muslim League has placed a map[†] on record showing that there is no contiguity in the non-Muslims' claims. The other side asserted that this map was wrong.

All the areas beyond this tract on the west are decidedly Muslim majority tracts and are contiguous, though here and there pockets of non-Muslim majority areas can be found. In between the non-Muslim tracts mentioned above there are certain slivers of considerable length and area of Muslim majority tracts.

The rest of the portion of the Rachna Doab, barring the two tracts above mentioned, is certainly predominantly Muslim area. Beyond Rachna Doab is the ~~Rachna~~ Chaj Doab between the Chanab and Jhelum. There

is no question that this Doab is predominantly a

[†]Not printed.

Muslim Doab. The same applied to the area beyond the Jhelum and the Indus called the Sind Sagar Doab. These tracts have predominance of Muslim population. The trans-Indus area is all Muslim.

Having determined Muslim and non-Muslim majority areas on a broad basis on the map of the Punjab, the question for consideration is what frontier is to be fixed between the Indian Dominion and the Pakistan Dominion and will now proceed to indicate my views on the subject before I examine the case of ~~the~~ the Muslim League regarding certain areas given in the issues.

*Strategy
border
frontier*

In my view the frontier of India and Pakistan ~~also~~ should be demarcated on the West of the Ravi and in the neighbourhood of that river, as strategically speaking this is the ~~the~~ only workable frontier that can be laid down between these two states which being divided on religious basis. The frontier line will take the course of the Basantar river leaving the tract of Shakargarh Tehsil on the west side. This line should join the river Ravi at the confluence of the Basantar river ~~and~~ with the river Ravi below Narowal. From there it should follow the course of the Ravi up to Shahdara. From Shahdara it should proceed via Sheikhpura to Nankana Sahib, include that town in the East Punjab and then it should join the Deg Nala up to its confluence with the river Ravi near Sayedwala. From there the course of the Ravi should be followed till channu and then should adopt the border of the Montgomery District with the Multan District and join river Sutlej some distance above Islam Headworks. The advantage of this border would be that the Gogera Branch

of the Lower Chenab canal will be one side of this line and the Ravi will be on the other side so far as the border in the Rachna Doab is concerned. This frontier, in my opinion, has the following advantages:-

- (1) It provides a workable border for two ^{communal} states from strategical point of view as it follows a natural river line in its background.
- (2) The percentage of the total population in the East Punjab will be 56 and in the West 44 per cent. of the total population of the Province, but the area allotted to the West will 55 per cent. of the total area of the Province and the East will ^{only} get 44 per cent. of that area. The notional partition contains much larger disparity in the distribution of the total area of the Province. That disparity will be reduced.
- (3) The canal-irrigated area will also be adjusted more equitably and justly, the West getting 57 per cent., and the East getting 43 per cent. There will be similar adjustment of the percentage of the canal-~~irrigated~~ irrigated area to the cropped area.
- (4) The ratio of the supply of the canal water to the West and the East will be 63 per cent. and 37 per cent. Here again the disparity that has arisen on the notional division will be considerably reduced and adjusted.
- (5) This border keeps the lines of communication intact and would reduce considerably the inconvenience of making custom houses,

change of railway engines, etc., and will also keep intact the hydro-electric system.

Another benefit of the border suggested by me is that it keeps the homeland of the Sikhs practically intact and gives redress to the grievance which they have made to the Commission, without in any way overriding the the terms of reference. By selection of the proper unit this result can be achieved.

A further advantage is that on this division at least one main canal out of the big canals that irrigate the Province in its whole length comes to the Eastern part.

It may also be mentioned that this border facilitates the employment of the Sikh community in the Indian army. Their complaint that if a larger number of them remains in Pakistan, they will not be able to continue their profession of military service, as they do not like to serve Pakistan, finds redress to a considerable extent if the border suggested is accepted.

The frontier marked by me also brings within the Indian Dominion the religious shrines of the Sikhs in Gurdaspur, Amritsar and Lahore Districts including the shrine of Nankana Sahib.

It may be observed that the border suggested by the Muslim League includes within the limits of Pakistan the Kapurthala State which has already its choice for joining the Indian Dominion. Moreover, this border runs counter to the rule suggested by the League itself in its

memorandum inasmuch as it is a crazy line running over tehsils and various parts of tehsils and over various districts.

In my opinion roughly speaking the real line between the West and East is the Ravi. It is undoubtedly true that in this suggestion some portion of a predominantly Muslim area would ~~be~~ in the East Punjab, but wherever the frontier is laid that result is bound to happen one ^{way} or the other. It may be said that it is unfair to the Muslim League to take away from them three districts that fell to it on the notional division, particularly ~~from them~~ ⁱⁿ when all those three districts have a majority. If district or tehsil is the measure of deciding the dividing line, then that contention is unassailable. But if one proceeds on the basis of geographical areas or homogeneous areas then the complaint can only remain regarding the District of Montgomery. For the inclusion of that district in the Province of the East Punjab my reasons are these—

(1) Strategical.

(2) To encourage transfer of population to Montgomery and other canal areas and eventually bring about an adjustment in this matter. Montgomery becoming a non-Muslim majority ~~an~~ area and the Shahidi Bar becoming a Muslim majority area.

(3) It provides space to the congested population of the Eastern Punjab. Without this there is no place for expansion or development and the very economic life and stability of the Eastern Province will be seriously

(Contd-----72)

endangered if Montgomery is not allotted to it.

- (4) The granary of the Punjab has gone to the West and in order that East also get sufficient food, the canal area of Montgomery district must be given to it.
- (5) All the unallotted colony land on the notional division which is in the neighbourhood of over 21 lacs of acres is in the Province ~~and~~ of the West Punjab. The learned counsel for the Muslim League explained that excluding the areas not culturable and also was really 7 lacs of acres of unallotted land that existed in West Punjab in the colonies and not 21 lacs of acres. In the 7 lacs mentioned above the Thal area is not included. In all equity East Punjab must have some share of it. Allotment of Montgomery District to the East Punjab will to a small extent give relief in this matter.
- (6) To safeguard the rights of those demobilised soldiers whose war services have been promised grants of land it is necessary that some unallotted canal lands are given to the Eastern Province so that the Province may be able to fulfil its promises or the promises of its predecessors. If this is not done, it has no means to redeem those pledges. It was said that Bilaspur State has also to be given some area in lieu of the area acquired for the Bhakra Dam. That can only be done if Montgomery

is allotted to the Eastern Punjab.

- (7) The allotment of Montgomery District to Eastern Punjab will give some share of the Waters of the Chenab river to East Punjab. Chenab colony was developed by the labours of the residents of the East Punjab and some share of it must be given to them.
- (8) This allotment will concentrate to a certain extent the Sikh population in the Eastern Punjab and the border suggested, if adopted, will increase their population by seven lacs in the East Punjab. About 29 lacs of them out of 37 lacs would come within that Province.
- (9) It will adjust the disparity in the distribution of the total area of the Province.
- (10) The non-Muslims have a strong claim to the area of the Shahidi Bar as it is a contiguous tract to the Shakargarh tract and has a predominantly non-Muslim population. If the border is laid further on where this tract ends., it would not lead to the fixing of any suitable boundary line. Moreover, it will be a line in a predominantly Muslim area. It is for this reason that I have left the Shahidi Bar, in any case a huge part of it, in the Western Part, as on strategical grounds no suitable border can be laid down except in the neighbourhood of the river Ravi. (Contd---74)

In substitution for that I have suggested the District of Montgomery which may gradually by transfer of population adjust the ratio of communities.

As regards the Chenab border suggested by the Congress and the Sikhs. I cannot accept it. This suggestion would seriously prejudice the claim of the Muslim League on the basis of the population factor and would also clash with the main principle of partition as it would include with the Eastern Punjab a huge majority of Muslim residing in areas which are predominantly Muslim. There are no such factors in this area which can override the population factor.

Now I proceed to examine the League demand for inclusion of certain tehsils and certain contiguous areas to the 17 districts already allotted to it.

- (1) This claim as regards the Ajnala Tehsil has already been dealt with.
- (2) Jullundur Tehsil has been claimed on the ground that it has a majority of 51.1 of Muslims. This majority is really due to the inclusion of the urban area of Jullundur city and its suburbs in the tehsil area. Excluding the urban area, the rest of the non-Muslim majority up to and including the census of 1931. The city is an island in a Non-Muslim majority area. The economic factor is strongly in favour of non-Muslim Claim.

- (3) The next claim is about the Nakodar Tehsil on the ground of majority of 52.4 per cent

of Muslims, of Zira Tehsil on a majority of 65.6 percent, and of Ferozepur Tehsil on the basis of majority of 55.2. per cent. These majorities cannot be disputed. Then follows a claim regarding contiguity of an area which is a part of the Hoshiarpur Tehsil, of another area which is a part of Dasuya Tehsil, of a third area which is a part of Fazilka Tehsil and of other area-s which are parts of Muktsar, Jagraon, Ludhiana, Samarla, Rupar, Una and Garhshankar Tehsil. In these areas the majority of Muslims in 52.40, 58.14., 75.12, 66.56, 69.32, 68.05, 70.59, 51.27, 55.02 and 57.11. Moreover parts of Nawanshahr and Phillaur are also claimed where there is a majority of 50.59 and 67.24 of Muslim Population. It is conceded that in the Tehsils of Hoshiarpur, Dasuya, Fazilka, Muktsar, Jagraon, Ludhiana, Samarala, Una, Garhshankar, Nawanshahr and Phillaur the non-Muslims are in a majority and those majorities are ~~substantial~~ substantial. I have already mentioned the case of Fazilka where in the tehsil the non-Muslims are about 57 percent, but in one part of the tehsil the Muslims are 75 per cent. It was also urged that some Christian populations should also be added to the Muslim population in these areas. In my opinion this claim is not tenable for the following reasons:-

- (1) Christian population cannot be added under the terms of reference to the population of Muslims.

(Contd----76)

Q2) Tehsil is not a standard unit and none of these tehsils claimed by the Muslim League are geographical or other homogeneous areas. The only possible claim that could be entertained in this area would be regarding the riverain tract of the rivers Beas and Sutlej. In the riverain tracts of the Tehsils of Ferozepur, Nakodar and Zira the Muslims have a substantial majority. But this tract, if allotted to the Province of the West Punjab, ~~will~~ would not make it possible to lay down a suitable and workable boundary line.

The Claim regarding parts of a tehsil is inconsistent with the Muslim League contention that tehsil is a unit. On this contention they cannot ^a carve out areas of non-Muslims majority tehsils.

If the process adopted by the Muslim League is reversed and one starts with the non-Muslim tehsils like Fazilka and Muktsar on one side, Hoshiarpur and Dasuya on the other and Moga and Jagraon on the third, then very substantial areas of the Tehsils of Zira Jullundur, Ferozepore and Nakodar would become non-Muslim.

As regards, Ferozepore Tehsil, the majority is not substantial. On a mere margin of majority an area cannot be held to be a predominantly Muslim or non-Muslim area. An additional reason for not allowing Ferozepore Tehsil to the Province of the Western Punjab

has been furnished by the memorandum* submitted by the Bikanar State which has a very substantial and valuable interest in the Ferozepore headworks which supply water to that State. It is alleged by that State and Bahawalpur State has a very minor interest compared with Bikanar State in the Ferozepore headworks and the allotment of these headworks to the Western Punjab is bound to revive the old controversy regarding the waters of Sutlej between Bahawalpur and Bikanar. The Bahawalpur case was argued on the basis that Ferozepore headworks are the key headworks on the Sutlej canal system and are in the other two headworks Bahawalpur has a predominant interests along with Bahawalpur predominate in the waters of the canal. I have not been able to see really the interests of these States in the fixing of boundary between the East and the West Punjab. It seems to me that the claim of Bahawalpur is based on the presumption that if the headworks go to the East Punjab, Bahawalpur will not be fairly treated. I do not see why East Punjab will neglect the maintenance of the headworks to the detriment of the State. Learned counsel for the Congress has placed a plan on record which shows that in these tehsils there is no contiguity of Muslim majority areas and economics factors are all in favour of non-Muslims.

(contd---78)

The Tehsil of Zira geographically is divisible into two tracts- the river tract and the other part. It is only in the river tract that the Muslims are in a majority.

It may also be pointed out that Zira, Moga, Ferozepore and Jagraon Tehsils have a common system of inundation canals and it is, therefore, one integral non-Muslim area connected by the system of canals. Jagraon has a vast majority of Sikh population, so has Moga, Ferozepore has very slight Muslim majority and so also Zira. But if all these four tehsils are taken as a unit, the non-Muslims are in majority of 114,416. The contiguity of these tehsils to a non-Muslim area is obvious, with a Muslim area it has to be worked out by a process. It was said that these areas were contiguous to one another and contiguous also to the Kasur and Chuian Tehsils of the Lahore District. I have already discussed the case of Kasur and Chunian and the decision of contiguity will depend on the decision taken about those tehsils. The allowance of this claim to the Muslim League would result in the creation of a salient in the midst of considerable area of non-Muslims and would offend against the principles on which a boundary line has to be laid between two sovereign states.

The claim of the Muslim League to the Thana or Zail of Majitha suffers from the same defect as their claim to part of Faisalka or a part of

Muktsar Tehsil.

(Contd---79)

The claim of the Muslim League to various areas suffers from one very grave defect. It was argued with great force and vehemence that the true basis of partition of India which made the ~~XXXXXX~~ partition of the Punjab inevitable was the Congress resolution based on the principle of non-coercion and this should be kept in view while fixing a border. If the claim of the League is viewed on the principle of "non-coercion," so ably developed by the learned counsel for the League, in my opinion it totally fails. According to the border suggested by the League, over 16 lacs of non-Muslim go to West Punjab over and above the notional division as compared with 9 lacs of Muslims. The table of figures supplied by the Muslim League and annexed to their memorandum amply proves these figures. Nine lacs of Muslims come into the Pakistan more than the population calculated on the notional division. Two lacs of Scheduled Caste, five lacs of Hindus, 60,000 of Christians and about ten lacs of Sikhs also go into the Pakistan area. In all, the increase of the Western Province on the lines suggested over the notional division of population is 36 lacs and out of this only one fourth are Muslims. The percentage of Muslims population in West Punjab according to notional division was 73.2 and this has been reduced to 69.86 per cent, on the new division suggested.

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The boundary line suggested by me fully supports the fundamental idea underlying this division. The total population of the Province 28,418,819, out of which 16,217,242 are Muslims, is divided into three blocks-(i) a block of 99 lacs of Muslims goes in West Punjab (ii) a block of 93 lacs of non-Muslims goes in the East Punjab, and (iii) a block of 92 lacs of population is split up into two parts 29 lacs non-Muslims going in West and 63 lacs Muslims going in East. As Muslims are in a majority in the whole Province, this result to a certain extent is bound to follow. The total population of the West will 12,800,000 while the area assigned to it will much larger in ratio to the population.

Sir Mohammad Zafarulla Khan in a lengthy address, with the help of plans, demonstrated the strategical advantages and disadvantages of the border suggested by the Muslim League and the one suggested by the Sikhs. It is unnecessary for me to deal with this matter, as on the view that I have taken of this matter, the respective advantages and disadvantages from a military point of view of the border suggested by him and the Chenab border do not arise.

For the reasons given above I am of the opinion that the only frontier between the sovereign State of India and the sovereign State of Pakistan is the frontier indicated by me.

Though, as already stated, I am quite positive

that the line indicated by me will, for the time being, give no satisfaction to the contending parties, but I have a feeling that this line, if adopted would eventually contribute to the happiness and contentment of the respective communities residing in the two different parts demarcated by this boundary.

Sd/- Mehr Chand Mahajan.

The 3rd August, 1947.

REPORT OF MR. JUSTICE TEJA SINGH.

This Commission was appointed by His Excellency the Viceroy and Governor-General of India in accordance with the provisions of paragraphs 5 to 8 of the Statement* by His Majesty's Government, dated the 3rd June, 1947. The terms of reference are as follows:-

"The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslim and non-Muslims. In doing so it will also take into account other factors."

Very lengthy arguments were addressed to us on the interpretation of the terms of reference. The learned counsel for the Congress and the Sikhs conceded that the ascertainment of

of contiguous majority areas of Muslims and non-Muslims was an important factor on the basis of which boundaries of the two parts of the Punjab had to be demarcated, but they urged that there were other factors which were of as much importance as the population question and it was the duty of the Commission to take them into account also. The position taken up by the learned counsel for the Muslim League on the other hand was that while demarcating the boundaries of the two parts of the Punjab, population factor alone must be taken into consideration and after this had been done the other factors could be taken into account for making local adjustments in the boundaries so that no considerable section of the population in a local area was transferred from a majority area to a minority area. The following are the words used in paragraph 6 of the Memorandum of the Muslim League:-

"The obvious interpretation of which alone these terms are susceptible is that the Commission should proceed to demarcate the boundaries of the two parts of the Punjab and for this purpose should ascertain the contiguous majority areas of Muslims and non-Muslims. Once it is determined which are the contiguous majority areas of Muslims and non-Muslims, it shall proceed to draw the boundaries line- between the two parts of the Province on that (83)

basis, but in doing so, that is to say, in demarcating the boundary line on this basis, it will also take into account other factors".

There was also keen difference of opinion between the counsel as regards the nature of the "other factors".

Now, in order to be able to realise the full import of the stand taken by the Congress and the Sikhs it appears to be desirable to trace the course of events that have led to the partition of the Punjab and have made the appointment of this Commission necessary. The Indian National Congress was founded in the year 1885 with the object of claiming for the Indians an increasing share in the administration of the country and the right to send elected representatives to the Councils. Later on it adopted Swaraj (self Government) as its objective and in 1929 complete independence became its deal. Though a few prominent Musalmans participated in the activities of the Congress for many years its membership was almost completely confined to the Hindus and certain interested persons dubbed it as a communal organisation. In 1906 the Muslim League was established with the avowed object of safeguarding the interests of the Muslim community and providing them with a political body of their own. Except during the days of the Khilafat agitation when the Congress and the League worked together there has been always an

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194 & 195

antagonism between the two, and on several occasions the League openly took -up cudgels against the Congress. The leaders of the Congress every now and then made efforts to appease the Muslim League and even acceded to some of its extreme demands, but they did not succeed in winning it over to their side completely. In 1916 the Congress accepted the principle of separate electorates for the Musalmans in spite of the fact that a large body of Hindus and even some nationalist Musalmans were opposed to it. The congress thought that by making this gesture of goodwill they would be able to persuade the Muslim Community to throw itself wholeheartedly in the national movement, but this hope of ~~theirs~~ theirs was eventually dashed to pieces. The differences between the two bodies assumed a serious aspect in August, 1942. The Congress passed the Government to give the ~~the~~ people of India almost a complete control in the internal administration of the country and to declare that it would grant ~~complete~~ complete independence after the war. The Muslim League on the other hand agitated for a separate sovereign Muslim State consisting of Bengal and Assam towards the east and the Punjab, North- Frontier Province, Sind and Baluchistan towards the north-west. It argued that the Muslims in India constituted a separate nation distinct from the Hindus and other communities

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and since the majority of the ~~XXXX~~ population in these Provinces were Muslims and these Provinces were their homeland, they are entitled to have a State of their own on the principle of Self-determination. The Congress though willing to concede autonomous Governments to the Provinces in which the Muslims were in majority, was opposed to the vivisection of India and the creation of a separate communal sovereign state comprising of Muslim majority Provinces. The British Government with a view to solve the Indian Problem once for all sent a Mission consisting of three members of the Cabinet to explore the possibilities of settlement with the Indian people. The Mission carefully examined the whole question but refused to recommend the partition of India. It devised a scheme which was intended to preserve the unity of India as well as the integrity of the Punjab and Bengal. The scheme was at first accepted both by the Congress and the Muslim League but ~~AL~~ later on differences arose regarding its interpretation, and the Muslim League realised from its acceptance. There ensued then a stalemate to resolve which His Majesty's Government made the statement* of June 3, 1947, recognising the right of the Muslims to have a separate sovereign State comprising the Muslim majority Provinces, but laying down at the same time that the parts of two of these Provinces, namely Bengal and the Punjab, in which the non-Muslims were

in majority would be given the right of deciding for themselves whether they would join the Pakistan or would remain united with the rest of India. The partition of the Punjab was decided upon on the insistence of the Sikhs, who declared that in no case would they be willing ^{to} allow the whole of the Punjab to be governed by a Muslim communal Government. For an answer to the question why the Sikhs adopted this attitude we must turn ^{to} their history and also refer to recent happening in the north-western part of the Punjab. ||

The Sikh religion was founded by Guru Nanak who was born at Nankana Sahib in the Sheikhpura District in the year 1469 A.D. He spent most of his time in going from place to place preaching his gospel and settled at Dera Baba Nanak towards the evening of his life. His three successors carried on their work in peace but Guru Arjan, the fifth guru, had the misfortune of incurring the fury of Emperor Jehangir, The Emperor became jealous of the Guru's work and influence and wanted him to embrace Islam, Not having succeeded in this he ordered him to be tortured to death (see in this connection the question, Appendix A+ taken from Jehangir's own memoirs). Guru Har Gobind, the sixth Guru, had also a difficult time. He was apprehended and deported to Gwalior Fort for

Unknow
statement
3rd time

History of
Sikhs

a number of years. Guru Teg Bahadur, the ninth Guru, was summoned to Delhi and was asked to choose either Islam or death. The Guru preferred the latter, and on this he was publically beheaded(See Appendix B++) Guru Teg Bahadur's son Guru Gobind Singh, was the last Guru of the Sikhs. He took up residence at Anandpur, a place at the foot of the Siwalik Hills. The relations between the Sikhs and the Muslims Government of the country had by then become so strained that the latter hounded up Guru Gobind Singh even in his peaceful abode. Finding ~~on~~ other course open to him, the Guru decided to have recourse to arms and thus took place the transformation of the peaceful Sikhs into the militant Khalsa. After that Guru Gobind Singh had no respite and he spent his whole life in fighting to defend himself and his followers against the tyranny and oppression of the Muslim Government. The struggle cost him heavily. He lost his home, he lost his family, in fact he lost all that he could call his own in this world. Almost all his devoted followers and two of his young sons died fighting in the battlefields. His remaining two sons, aged respectively 11 and 9 years, were bricked up alive at Sirhind under the orders of the local Muslims satrap(see Appendix C+). After some time the Guru retired to the Deccan and in the Hyderabad State in the year 1708. Four or five years later he breathed his last at Banda Bahadur ~~in the~~ appeared in the plains of Sirhind and with

196.

Naded

five years later

History of
Sikhs.

the help of devoted bands of Sikhs whom he was able to collect around him overpowered the Governor of Sirhind, plundered the town and punished all those who had taken part in the gruesome massacre of Guru Gobind Singh's followers and sons. Eventually he was captured and taken to Delhi along with thousands of other Sikhs. There they were all killed brutally in cold blood after having been subjected to untold and indescribable indignities and tortures(see Appendix D**) When Farrukh Siyyar ascended the throne of Delhi he initiated a regular reign of terror and ordered a general massacre of Sikhs in every nook and corner of the Province(See Appendix EE).

These conditions continued till the later part of the thirties. In the beginning of the forties the Sikhs started re-organising themselves, and in a few years they marched from strength to strength. In 1762 they again lost heavily in an encounter with Ahmad Shah(see Appendix F*). But by 1769, that is, in about 30 years, after their opponents believed that they had been finished for ever, they succeeded in establishing their sway from the banks of Jumna to those of the Indus. They had no Central Government but the twelve Missals or the bands under which they were grouped conquered different territories and ruled over them. The Moghal Empire so far as the Punjab was concerned broke up long before Maharaja Ranjit

** Page 220 Infra. & Pages 221-22 infra.(91)
* Page 223

Singh established his kingdom. He stormed Lahore in 1799 and in a few years became the undisputed head of the Province. His Territories extended from the Sutlej in the south to places beyond the Indus including Peshawar in the north. He also conquered Kashmir, the Province of Multan and the Derajats. He died in 1839 and with his death came to an end the empire built by him. It is unnecessary to enter into the history of subsequent events which led to the two Sikh wars. The first war ended in a treaty according to the terms of which the British Government took upon themselves the protection of Dalip Singh, the minor son of Maharaja Ranjit Singh, and the administration of his kingdom till he attained the age of sixteen. Then there was the second war in consequence of which Dalip Singh, who was still a minor, was deposed and his territories were annexed to the British Indian Empire in 1849.

Though Maharaja Ranjit Singh did not rule as a theocratic king and in matters of administration he was fair to all communities, the events of previous ~~century~~ century were too bloody and too fresh to be completely ~~obliterated~~ obliterated from memory, and the Muslims found it difficult to forget that the Sikhs had ~~snatched~~ snatched power and government from their hands. It may be added here that Sir Muhammad Zafarullah Khan, who represented the Muslim League, made an effort to show that the Moghal

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Emperors did not interfere with the religious activities of the Sikhs and allowed them complete freedom until some of the Gurus of the Sikhs started dabbling in political matters. The Sikhs point of view is entirely different and their allegation that the Gurus and the Sikhs were persecuted on religious grounds is supported by renowned and impartial historians. Sir Muhammad Zafarullah Khan further contended that when the Sikhs grabbed political power they were also guilty of persecuting the Musalmans and demolishing their religious places etc, It is not necessary here to go into all these facts and to apportion blame, because whether the Sikhs version be correct or Sir Muhammad Zafarullah Khan's allegations be true, the fact remains that bitter antagonism had sprung up between the Sikhs and the Musalmans during the time of the Gurus and all that happened in the ~~subsequent~~ subsequent years made it deep rooted and widespread. During the mutiny of 1857 the Sikhs pledged their loyalty to the British Crown and fought under its banners. This further exasperated the Muslim feeling against them. The relations between the British and the Sikh Community became very cordial after the mutiny. The British fully appreciated the qualities of the Sikh soldier and offered him ample opportunity for the development of his martial instinct. The Sikh on his side felt proud of this confidence

196 & 197

that the Britisher reposed in him. In this way there grew up a feeling of comradeship between the Britishers and the Sikhs and the latter fought the Britisher's battles as a faithful ally in whatsoever part of the world his services were needed. General Sir Gordon in his book "The Sikhs" published in 1904, while describing the help rendered by the Sikh community to the British Government during the time of the mutiny remarked as follows:-

" Well may the Khalsa be proud of their children, and Britannia also of such brave soldiers who know how to die in her cause."

(For other observations made by the General please turn to Appendix G* which reproduces a few passages from his book). The services rendered by the Sikh community in the first world war need no comment. As regards the second war, it is sufficient to observe that notwithstanding the fact that in political matters the Akali party was working hand in glove with the Congress, it decided to co-operate with the Government whole-heartedly in the war effort and carried out its resolve with the greatest enthusiasm even though in doing so it ran the risk of alienating the sympathies of the Congress.

Coming now to the recent events, the Sikhs complain that their share in the internal administration of the Province has on the

*History of Sikhs
from 1919*

whole been negligible, and they were never satisfied with it. Under the Montague-Chelmsford Scheme of diarchy three Ministers were appointed; one of them was a Sikh. Later on when provincial autonomy was introduced the number of Ministers was increased to five but out of them only was was a Sikh. It was at this time that the late Sir Fazal-I-Hussain formed the Unionist Party and persuaded the Sikh Minister, Sir Jogender Singh, to join it but not much good was done to the community by this alliance. After Sir Fazal-i-Hussain's death his place was taken by Sir Sikandar Hayat Khan. He too followed in the footsteps of Sir Fazal-I-Hussain. Once he declared that the Sikhs would be given 20 per cent, share of the services and that their rights in respect of the use of Jhatka meat and teaching of Punjabi language in Gurmukhi characters in the Schools of the Provinces would be recognised and given effect to, but nothing happened in actual practice. The Akali party which was then coming into prominence vehemently criticised the policy of the Unionist Party and Sir Sunder Singh for co-operating with Sir Sikandar's Government (See Appendix H+) In the elections of 1937 Sir Sunder Singh's party, known as the Sikh Nationalist Party, emerged as the strongest single Sikh Party and died in the year 1940. and with him came to an end the Sikh Nationalist Party. The proper course for Sir Sikandar Hayat Khan was to

(Contd----95)

197.

*Sikandar
Baldev Singh
Pact*

offer the ministry to the Akali Party but this he did not do and offered the Ministership to Sardar Dasandha Singh who had no following in the Assembly. Sardar Dasandha Singh carried on for about a year but neither he was able to do anything for the community nor did he bring any strength to the Government. Dissatisfaction amongst the Sikhs was daily growing and when it was feared that this might lead to a serious trouble and even the overthrow of Sir Sikandar's Government, he at last turned to the Akali Party and through the intervention of a few common friends succeeded in persuading Master Tara Singh, the leader of the Akali Party, to enter into a pact with him. This pact is known as Sikandar-Baldev Singh Pact, and resulted in the installation of Sardar Baldev Singh, now the Defence Member of the Viceroy's Executive Council in the ministerial gaddi ~~xxxxxx~~ of the Punjab. Very high hopes for raised among the Sikhs by the pact and judging from the statements then made by Sir Sikandar Hayat Khan and Sardar Baldev Singh everybody believed that the grievances of the Sikhs would be redressed. Sikandar Hayat Khan, however, proved too clever for Sardar Baldev Singh Master Tara Singh both and there was absolutely no improvement in the situation. Later on, Sir Sikandar Hayat Khan ~~XXXXXX~~ also died and his place was taken by Malik (now Sir Khizir Hayat Khan Tiwana. His relation with Sardar Baldev Singh were very intimate but notwithstanding all this (contd---96)

Interim neither of them was able to help the Sikhs politically materially. With the formation of the Central Government Sardar Baldev Singh became the defence member and Sardar Swaran Singh succeeded him. Sardar Swaran Singh also whole-heartedly co-operated with Sir Khizar Hyaat Khan but even this did not result in any practical good to the Sikhs.

The Muslim League had been trying off and on to oust the Unionist Ministry and to put ~~XXXXXX~~ its saddle its own Ministry. Several times it approached the non-Muslim M.L.As to form a coalition Ministry with the League but it could not succeed in winning their confidence. It then tried, first to persuade Sir Khizar Hayat Khan and then to coerce him to join the League, but did not succeed in this either. These incidents had, however, one important effect upon the policy of Sir Khizaris Government. He felt that the only way in which he could appease the Muslim public opinion and keep a fairly good number of Muslim M.L.As around him, was to work for the benefit of the Muslim community, even though in doing so he might have to trample upon the Legitimate rights of the non-Muslim. ~~XXXXXX~~ ~~XXXXXXXXXXXXXXXXXXXX~~ The non-Muslim complained that he was more pro-Muslim than the Muslim Leaguers and that most of the key posts were filled up by Mohammadan officials regardless of propriety

(Contd-----97)

or efficiency. Despite all this the opposition of the Muslim League to Sir Khizar's ~~Ministry~~ Ministry continued unabated. His Sikh and Hindu colleagues were openly smarting under the turn that the affairs were taking but they hesitated to part company with him because they would be paving a way for the Muslim League Ministry.

Towards the third week of January, 1947 the Muslim League started a "Direct Action" movement against Sir Khizar's Hayat Khan and his Ministry, and continued it for about five weeks. Processions were taken and public meetings were held in defiance of lawful orders of the authorities. The Governor promulgated an Ordinance containing very stringent provisions for keeping law and order and arming the Executive with extraordinary powers but they were all defied. The leaders of the Muslim League gave out that the agitation was only against the Unionist Ministry. but in fact it was against the non-Muslim and the popular slogan raised in public meetings and by the processionist was-

2 Aise Lengey Pakistan
Jaise Liaya tha Hindustan.

(We shall take Pakistan in the same manner as we took Hindustan that is, by use of sword). The allegation that the agitation was non-violent throughout is also incorrect. At many places Government property was damaged and Government officials in discharge of their

(Contd----98)

duties were assaulted and roughly handled. Even the premises of the High Court, Lahore were not spared. On several days the processionists passed through the compound of the Court raising provocative slogans and on one day they broke the window panes of a number of Judges chambers and court rooms. The Union Jack flying on the top of the building was removed and in its place the Muslim League flag was hoisted. For some time Sir Khazir remained defiant, but at the last he succumbed. One thing which affected his attitude was the declaration of His Majesty's

Government of the 20th February, 1947, that it had been decided to divide India into two sovereign States and opportunity would be afforded to the majority communities to shape their own Governments, so that, when the British quitted India in June, 1948, they might be in a position to take over the Government of the entire country or of different parts. Though the Coalition Government still enjoyed a majority in the Legislative Assembly, Sir Khizar and his Cabinet were compelled to tender their resignation to the Governor on the 2nd March 1947. The Muslim League believed that they would be called upon to form the Government and in fact the Governor did summon the leader of the party and discussed the matter with him. The non-Muslim M.L.As. with the exception of two Christians and one Anglo Indian held a meeting and unanimously decided to oppose the formation of the Muslim League Government held a demonstration outside the Assembly Chamber on the 4th March. There were also public demonstrations

in the City of Lahore and the Hindus and Sikhs took out processions to emphasise their determination to oppose pure Muslim League Ministry. The authorities who had not moved a little finger during the whole month and a quarter when the Muslim League openly defied the law at once became active and first lathi-charged and then fired upon a small procession of Hindu and Sikh students (See Appendix H/1*). This led to more demonstrations and further firing. From Lahore the trouble spread to other cities and there were serious communal riots in the districts of Campbellpur, Rawalpindi, Jhelum, Lahore, Amritsar, Multan and later on in Gurgaon. In the rural area in the districts of Rawalpindi, Jhelum and Attock and also to some extent in the district of Multan villages inhabited by Sikhs were raided by Muslim mobs. In some places the rioters numbered five to ten thousand and almost the entire Sikh population including the old and infirm women and children were either killed or burnt alive. A large number of people were forcibly converted, children were kidnapped and young women were abducted and openly raped. Their houses, shops and places of worship were pillaged and then set on fire. The Hindu villages surrounded by Muslim population also met the same fate. In cities organised attacks were made upon Sikh and Hindu Mohallas (Quarters); their houses and shops were looted and burnt, temples and Gurdwaras were demolished and stabbing went on on a large scale. The weapons and arms employed included spears, shot guns and rifles, stengung, hand

(contd---100)

grenades and bombs. In some places a novel but most dastradly method of wreaking vengeance upon Sikhs was adopted. Trains were stopped near way side railway stations, of lethal weapons and were brutally attacked and killed. The Hindus and Sikh version places the number of victims at a very high figure but the official figures available so far as are these:-

	Killed or Burnt alive.	Injured.
Rawalpindi District.	2,263	397
Multan District.	189	183

The value of properties of Hindus and Sikhs burnt or destroyed in Multan District has been officially estimated at two million rupees, and in Rawalpindi District of one hundred million rupees (10,00,00,000) at least(see Appendix J†) Copy of the letter from the Home Secretary to Government of Punjab to the Secretaries to the Punjab Boundary Commission). This created widespread panic in almost all the Muslim majority districts and there was wholesale exodus of non-Muslim population because the temper of the Muslim population had arisen so high that no Hindu or Sikh considered himself or herself safe. The number of refugee has been roughly estimated at one hundred thousand. It is alleged that the whole thing was organised. Who undertook the organisational work and what methods they actually employed for conveying their plans from place to place and in arousing the feelings of the masses in very difficult to say. It was expected that the Government would institute an inquiry into the matter. There was also a demand for this but to

(Contd---101)

no effect. One thing, however, cannot be denied that the main target of attack were the Sikhs. It is suggested that the reason for this was that the Muslim League thought that the Sikhs were the principal obstacle in the formation of the League ~~that the Sikhs were~~ Ministry. and if they had joined hands with it or even if they had refrained from co-operating with the Hindus, it would have easily formed a Ministry of its own. I should think that this complaint was justified, because the Sikhs made no secret of their intention to oppose the installation of a Muslim League Ministry and Master Tara Singh the leader of the Akali Party, in a public speech that he made in Lahore on the 4th March emphatically declared that the Sikhs would never allow the Muslim League Ministry to come into existence. Sir Muhammad Zafarullah argued that it was the demonstrations of the Hindus and Sikhs and the provocative speeches made by their leaders that exasperated the Muslim feeling and were the immediate cause of the communal riots. The Hindus and Sikhs on the other hand, urged that they merely gave expression to genuine fears that past experience and the speeches and declarations of the Muslim League leaders extending over a period of several months and created in their ~~XXXXX~~ minds, and they were perfectly justified in their refusal to submit to a purely communal rule that the League threatened to impose upon them. Extracts from League leaders

speeches are given as Appendix K.* I do not
 justify the use of violent words whether by one
 party or the other, but at the same time I cannot
 help pointing out that the game was started
 by the League leaders and that with the
 historical background set out above it is impos-
 sible to blame the Sikhs and Hindus, particularly
 the Sikhs, for firmly opposing the installation
 of a Ministry of the Muslim League in the Punjab.
 As regards the effect of the speeches of the Hindu
 and Sikh leaders and their responsibility for
 the riots it is significant that though some
 Mohammedans were killed and injured in the cities
 and some of their property was also destroyed,
 nothing happened in the rural areas of the
 districts in which the Sikhs and Hindus are in
~~majority~~ majority, with the result that the
 Muslims continued to live and are even now living
 in place in those districts.

200.

It will thus be seen that different motives
 underlay the demand of the Muslims for the vivi-
 section of India and that of the Sikhs for the
 division of the Punjab into two parts. The
 Muslim League depended solely upon the fact that
 they formed the majority of the population of the
 Provinces which they desired to be made into an
 independent State. The Sikhs, on the other hand
 not being in majority in any district of the
 Punjab demanded that that part of it in which the
 bulk of them lived and which they claimed to
 be their homeland, be separated from the rest of
 the Province so that they might escape the communal
 (Contd---103)

rule of the Muslims. They knew that unlike the Muslims they could not have a State of their own but they preferred to live in that part of the Punjab which would join the Indian Union rather than the Pakistan. They never relied upon their numerical strength, but stressed that because of certain factors they occupied a special position in the Province and were consequently entitled to a special consideration on that account. These factors are inter alia

Importance of Sikhs in the central Punjab

- (1) That they were rulers of the Province immediately before it was annexed by the British Indian Empire;
- (2) that the Central Punjab extending from the boundary of the Ambala Division right up to Chenab was their homeland;
- (3) that the most important of their sacred Gurdwaras were situate in this tract.
- (4) that they owned and tilled the bulk of the land in this part of the Province and paid the largest amount of land revenue; and
- (5) that they had largely contributed in money as well as in labour in the development of the colony area, which was the main source of the wealth of the Province, and they occupied bulk of the land in that area.

should be preserved, His Majesty's Government appreciated the attitude taken up by the Sikhs in principle and hence appointed this Commission to demarcate the boundaries of the two parts in which the province is to be divided after taking into account the population factor as well as other factors.//

In formulating the terms of reference in the manner they did His Majesty's Government did nothing unusual or extraordinary. History bears testimony to the fact that whenever countries were divided and boundaries were demarcated a large number of factors, such as ethnological, geographical, economics, strategic and linguistic were taken into consideration. My learned brother Mr. Justice Mehr Chand Mahajan has referred to a number of authorities and precedents on this point and it not necessary for me to recapitulate them. The nature of the factors to be considered must naturally vary with the circumstances and requirements of each case. What factors are relevant in the present case it is for us to decide. All that I wish to emphasize at this stage is that in view of the fact that the partition of the Punjab has been taken in hand at the desire of the Sikhs and because of their refusal to live in a purely Muslim State the factor of the first rate importance that demand our attention in this case are the position of the Sikhs in the Province and the effect that the demarcation of boundaries is going to have

Terms of Reference

201

The total population of the Sikhs in the British Punjab according to the census figures of 1941 is 3,767,401. Out of this 1,683,855 live in the seventeen districts which according to the national division form the Western Punjab and 2,073,546 in the Eastern Punjab. This means that if the notional division is adhered to, and the boundaries are demarcated according to it about 17 lacs i.e. a million and about seven hundred thousand of Sikhs would be left stranded in the Western Punjab, of these 1,368,962 belong to the districts of Gurdaspur, Lahore, Gujranwala, Sheikhupura, Lyallpur and Montgomery which will be the border districts just on the frontier of the two States that are to be sovereign States. To perpetuate this state of affairs would very materially weaken the position of the Sikhs, inasmuch as it would make them politically impotent in both the parts and would be highly unjust to them. This fact was to some extent realised by His Excellency Lord Mountbatten and he gave expression to it in his broadcast* of 3rd June 1947, After pointing out that the ultimate boundaries would be settled by the Boundary Commission and they would almost certainly not be identical with those which had been provisionally adopted he observed-

"We have given careful consideration to the position of the Sikhs. This valiant community forms about an eighth of the population of the Punjab, but they are so distributed that any partition of this Province will inevitably

divide them. All of us who have the good of the Sikhs Community at heart are very sorry to think that the partition of the Punjab, which they ~~themselves~~ desire, cannot avoid splitting them to a greater or lesser extent. The exact degree of the split will be left to the Boundary Commission on which they will of course be represented."

We are all aware that unlike the Muslims and the Hindus, the Sikhs are confined to the Punjab where they were born and flourished and which is their homeland in the literal sense. If any Hindu faces any difficulty in the part of India he can move to another part. The same is the case with the Mussalman. But as far as the Sikhs are concerned ~~whatever~~ might happen to them they cannot leave the Punjab. Accordingly, if the partition of the Punjab into two parts is to do the least injustice to the Sikhs, it is ~~axiom~~ ~~XXXXXXXXXXXXXXXXXXXX~~ imperative that it should be so demarcated that the solidarity of the Sikhs should be maintained and as few of them as possible should be left in the Western Punjab.

The contention that boundaries should be demarcated merely on population basis runs counter to the very reasons for which partition of the Punjab has been conceded. // It is mentioned in paragraph 9 of the Statement* that the commission is to make a detailed investigation of boundary question. Had the intention been to demarcate the boundaries merely on population basis no detailed investigation by a Commission. (contd-107)

was necessary and the words that the Commission will also take into account other factors would be simply redundant. I am inclined to think that in that case the whole thing would have been left over to a surveyor and it was not necessary to ~~appoint~~ a Commission at all, much less a Commission consisting of five persons possessing considerable judicial experience. Learned counsel for the Muslim League referred us to the Press Conference held by His Excellency on the 4th June, and he urged that if the solidarity and integrity of the Sikh community and the inclusion of the Sikh shrines in the Eastern Punjab were the factors to be taken into account by the Commission in demarcation of boundaries this would have been clearly stated by His Excellency but he did not do anything of the kind. Now, a perusal of the statement made by His Excellency in the Press Conference and the questions put to, and the answers given by, him in that Conference go to show that he did not take it upon himself to elucidate what factors the Commission would take into account in addition to the population. He left the whole matter to the Commission and said nothing from which it can be inferred that the solidarity of the Sikh community and the situation of their shrines were not included among the other factors. It is true that he observed that when the resolution of the Congress demanding the partition of the Punjab was brought to his

(contd---108)

notice he sent for a map with the population of the Sikhs marked and he was astounded to find that the plan which they had produced would divide the Sikhs into almost equal halves and he had not been able to find any solution to this difficulty. But he also added that he hoped that the leaders of the respective communities would appoint a committee to draw up the terms of reference of the Boundary Commission which should have representatives of the interested parties on it. It is admitted that the terms of reference as given in His Majesty's Order* appointing the Boundary Commission were approved by the parties and since the terms lay down that the Commission is instructed to demarcate the boundaries not merely ~~on the basis of ascertaining~~ contiguous majority areas but also by taking into account other factors, it follows that all points urged by the Sikh community in support of their special position have to be considered. If the intention was that they were not to be taken into account this should have been made clear either in the terms of reference or in the Press Conference. The words are "other factors". They include all factors relevant to the question and it cannot be urged with any show of reason that the preserving the ~~essentiality~~ and integrity of the Sikh communities and the situation of their shrines are not relevant. I should like to refer in this connection to telegram No. 2339-S, dated the 16th July, 1947, that was received by His Excellency the Viceroy from the Secretary of State for ~~XXXXXX~~ India in

reply to his telegram communicating to the Secretary of State the protest lodged by Messrs Jinnah and Liaquat Ali Khan against the statement made by the Under Secretary of State for India in the recent debate in the House of Commons in which he explained the terms of reference of the Boundary Commission. A Copy of the telegram has been forwarded to the Boundary Commission and it is mentioned therein that the Under Secretary's statement was that the provision that other factors would be taken into account had been made by the Prime Minister to enable the Commission to have regard to special circumstances of Sikh community in the Punjab where considerations such as location of their religious shrines can reasonably be taken into account up to a point. It is a pity that the terms are rather vague and the phrase "other factors" has not been defined but it appears to me that it was designedly left vague so that the Commission after hearing the Principal parties might decide what factors other than population it would take into account. I also venture to think that it is not open to the Commission to reject any factor put forward before it unless it is totally irrelevant and has no bearing upon the demarcation of boundaries. It is interesting to note that the Ahmadiya community who belongs the learned counsel (Sir Muhammad Zafrullah Khan) who argued solidarity of that community as one of the factor, though at the same time it urged that no other factor excepting the population should be taken into account. It may further be added that while arguing the case for the Bahawalpur State which has also submitted a memorandum to the Commission

Official document

and urging that the boundaries of the two parts of the Punjab be so demarcated as to safeguard the rights of the State in the waters of Sutlej. Sir Mohammad Zafarullah Khan solely relied upon the factors other than those of population.

Other Factors

It was argued before us that since His Excellency the Viceroy stated both in his broadcast and in the Press Conference that he was unable to find a solution for preserving the solidarity and integrity of the Sikh community, no such solution could be found by the Commission either. All that I wish to say on this point is that most likely His Excellency had before him the population figures of different districts taken from the census of 1941 and nothing else and if the Province had to be divided into two parts merely on the strength of the population taken districtwise, surely it was not possible to take the Sikhs out of the difficulty with which they were faced. The Sikhs as mentioned above maintained that population alone could not be the basis of the decision and that even though it was an important basis there were a large number of other factors that must also be taken into account. Further according to the principle enunciated in paragraph 13 of His Majesty's Statement* even though a particular community was in majority in one district taken as a whole if it was found that in a substantial part of that district the other community was in majority, that part could be joined to the majority area of the second community provided the condition of contiguity was satisfied. Obviously these questions His Excellency could not determine off-hand and it was with a view to have them properly

considered and taken into account that this Commission was appointed.

It was further urged that even though the intention of His Majesty's Government might have been originally to empower the Commission to take into account factors other than the population, the terms of reference as formulated by the Viceroy had narrowed down the scope of the Commission's functions. The argument was that both in the Statement of His Majesty's Government of the 3rd June and of His Excellency the Viceroy the words used were "it will also be instructed to take into account other factors", but in the terms of reference the words "in doing so" were added, with the result that the last sentence read as follows:-

"In doing so it will also take into account other factors".

If you read the sentence in question appearing in the Statement as well as in the terms of reference with the context I do not think there can be any difference in the meaning thereof. The intention that factors other than the population should also be taken into account while demarcating the boundaries is common to the Statements as well as the terms of reference and there is no special significance attached to the words "in doing so", added to the last sentence of the terms of reference. Moreover, I do not believe that there was any reason for His Excellency to narrow down the scope of the Commission functions as expressed in His Majesty's Government's Statement* or in his own broadcast statement, nor do I believe that he did so in fact. (Contd---112)

Of the other points urged before us in this connection mention need be made of only one, namely that if the partition of the Punjab results into any kind of injustice to the Sikhs they must put up with it, because of the Punjab is being divided at their instance and not at the instance of the Muslim. If a clear view of all that has happened be taken the argument would be found wholly devoid of force. It is correct that Sikhs insisted upon the division of the Punjab, but they adopted this attitude only when the British Government conceded the demand of the Muslims that India be divided into two sovereign States. It is common knowledge that despite the fact that their numbers are very small the Sikhs all along supported the position taken up by the Congress that there should be no vivisection of India and the country should be kept intact with a Central Govt. incharge of vital departments such as Defence, Communications etc. The Muslims did not agree to this and insisted that India should be divided and a separate sovereign State consisting of the Province in which they were in majority should be carved out. The Government though at first opposed to the Muslim demand ultimately gave in and conceded the principle underlying the creation of a Muslim State. It was then that the Sikhs realizing ~~that the Muslim demand~~ ~~that the whole Punjab~~ if the whole Punjab formed part of the Pakistan they would be doomed, inasmuch as they would be wholly at the mercy and under the heels of a communal Government of the Muslim, of which they had had sufficient experience, started agitating for the

(Contd-----113)

division of the Punjab. It is, therefore, wrong to lay the responsibility for the partition of the Punjab upon the shoulders of the Sikhs. Division of the Punjab is a corollary to the division of India and if there is any community responsible for this it is the Muslims. Furthermore, I cannot understand why the division of the Punjab should necessarily be carried out in such a manner that it must split the Sikh community in almost two equal parts when it can be avoided and in view of our terms of reference that factors other than population basis must be taken into account we are competent and even expected to avoid it.

204

As regards the Sikhs shrines the argument put forward on behalf of the Muslim League is that if the situation of shrines of communities be regarded as a factor for demarcation of boundaries the Muslims can lay claim to the whole of India because their religious places and shrines are spread throughout the length and breadth of the land, I am afraid the Muslim League has either not cared to understand the sacred character of the Sikh Gurdwaras or it has deliberately ignored it with a view to place them on the same footing as their religious places situate in different parts of India. In ordinary parlance, the term "Gurdwara" means any place used by the Sikhs for worship. But the Gurdwaras, the ~~situation~~ situation of which is sought to be used as a factor for demarcation of boundaries, are those places of worship which were either founded by the ten Gurus or were established long ago to commemorate particular incidents that happened during their lives and with

(Contd----115)

206

with which they were connected. It may be pointed out that though the founder of Sikhism was the first Guru (Guru Nanak) and it was the tenth Guru who gave birth to the Khalsa, the Sikhs make no distinction between them and other ~~wight~~ Gurus, and the cardinal principle of Sikhism is that the ^{same} ~~same~~ spirit worked in all them, that is to say, each of subsequent nine Gurus was the incarnation of the first Guru, and accordingly they occupy the same position in the eyes of the Sikhs. Now, to the Sikhs the ten Gurus are what Christ is to Christians, Hazrat Mohammad is to the Muslims and the principal gods who are believed to be incarnations of Vishnu are to the Hindus. For this reason the Gurdwaras that were founded by the Gurus themselves or which commemorate incidents connected with them are a class ^{by} ~~themselves~~. It is a mistake to put them on same footing as the religious places founded by or associated with saints or other religious men howsoever prominent or respected they might be. There are hundreds of Gurdwaras that were established by the Sikh saints or which were built in the memory of Sikh martyrs, but none of them enjoys the sacred character that reserved for the class mentioned above, and the only shrines of the Muslims that in respect of sacredness and importance can compare with the Gurdwaras of that class are the shrines that stand in Mecca and Medina. There is not a single shrine of the Muslims in India that founded by their Prophet or which was built to commemorate any incident in his life, for the simple reason that he ~~xxxxxx~~ lived, worked (Contd....115)

Sikhs
Gurdwaras

for his whole life and died in Arabia. Then it should be remembered that it is not merely because of the situation of these shrines that the Sikhs claim the inclusion of certain districts in the Eastern Punjab, but they maintain that there are many other factors that support their case, the most important of them being that these districts are contiguous to the non-Muslim population of these districts taken along with that of the contiguous districts is more than that of the Muslims. This explain the reason why the Sikhs have laid no claim to the districts of Gujrat, Rawalpindi and Attock inspite of the fact that in the first two districts are ~~situate~~ situate Gurdwaras commemorating the visits of the sixth Guru and in the Third district is situate the Panja Sahib, the well known Gurdwara constructed at the place where Guru Nanak spent some time when he went there to visit a Muslim saint of the name of Wali Kandhari and at which is preserved a mark of a palm made by him on a slab of stone. None of these districts is contiguous to the non-Muslim majority areas and the Sikhs cannot very well lay any claim to it. The learned Counsel for the Muslim League waxed eloquent over the situation of monumental buildings and places of art and historical importance built by various Muslim kings at different places in India. None of them can be regarded as a shrine in the sense in which Gurdwaras of the kind with which we are dealing now are, because in spite of the fact that some of them are mosques, a mosque even though built by a powerful and famous monarch still

remains a mosque and as regards sacredness it cannot claim any higher status than a mosque constructed by the poorest mortal.

The number of such Sikh Gurdwaras is fairly large but the most important of them are situate in the districts of Sheikhpura, Gujranwala, Gurdaspur, Lahore and Amritsar. The Janam Asthan Gurdwara at Nankana Sahib in the district of Sheikhpura commemorates the birth-place of Guru Nanak, the first Guru. Guru Nanak as already stated, is the founder of Sikhism, and as regards sacred character this Gurdwara enjoys a unique place among the Sikhs. It is considered holy of holies. Roundabout that Gurdwara and within the area of Nankana Sahib there are many other Gurdwaras built to immortalise several incidents that happened during Guru Nanak's early life. All these Gurdwaras have vast landed estates attached to them, the biggest estate being that of the Gurdwara Janam Asthan and around these estates have settled a large number of Sikhs.

It will not be out of place to mention here that when the Akali movement started and the Sikhs showed keenness to take the control of the Gurdwaras in their hands the Mhant who was in possession of the Janam Asthan Gurdwaras at Nankana Sahib and a few other Gurdwaras organised an armed resistance and collected hundreds of Muslim tenants of his estate to give a fight to the Sikhs, and the result was that more than two hundred Sikhs were killed in cold blood and many more were injured. (contd--117)

Sikh Gurdwaras

This would show the intensity of the Sikh feeling that centres round the Nankana Sahib Gurdwaras.

Next in importance comes the Har Mandir at Amritsar, popularly known as the Golden Temple. It was founded by Guru Arjan, the fifth Guru and stands in the midst of a huge tank constructed by Guru Ram Das, the fourth Guru. During the Moghal days this Gurdwara was the central meeting place of the Sikhs and consequently the Mussalmans made several efforts to demolish it. Naturally the Sikhs staked their all to defend this Gurdwaras and thousands of them laid down their lives in doing this. There are many other Gurdwaras in and roundabout Amritsar and during many periods of Sikh history Amritsar and its suburbs remained the centre of Sikh activities. Another big Gurdwara, and a temple bigger in dimensions than Amritsar, is situate at Tarn Taran at a distance of about 15 miles from Amritsar. Goindwal and Khadur Sahib, two important villages of Tarn Taran Tehsil, are the centres of Gurdwaras founded by the second and third Gurus and attract a large number of pilgrims every day and particularly on anniversaries of the incidents which they commemorate.

Of the Lahore Gurdwaras mention need be made of Dera Sahib which stands at the place where Guru Arjan laid down his life in the cause of his mission. It stands quite close to the Fort, which was for long the residence of Maharaja Ranjit Singh after he had established his capital at Lahore, and the mausoleum of the said Maharaja. Thousands

of pilgrims flock to the Gurdwara every day and

Sikh Gurdwaras

(118)

and listen to the prayers offered in the morning. The annual fair held to celebrate the day of Guru Arjan's martyrdom attracts lacs of Sikhs from all over the Province. The other notable Gurdwaras in Lahore are the birth place of the fourth Guru inside the walled city and, the Gurdwara of the sixth Guru within the area of Mozand.

In the district of Gurdaspur there is a Gurdwara at Batala to which place belonged Guru Nanak's wife and where his marriage was performed. There are also Gurdwaras of Dehra Baba Nanak and Kartarpur which stand on two different sides of the river Ravi quite opposite to each other. The Kartarpur Gurdwara commemorates the last resting place of Guru Nanak. This Kartarpur should not be mixed up with a town of the same name in the district of Jullundur where stands Gurdwara sacred to the memory of one of the sons the fourth Guru. There are a few other Gurdwaras sacred to the memory of the ten Gurus in the Gurdaspur district. Two of them are in Gurdaspur Tehsil. The number of important Gurdwaras in Sialkot is five, two in Sialkot City, one in Salehpur in Sialkot Tehsil and two in the Daska Tehsil. In Gujranwala district there are six Gurdwaras out of which two are Eminabad in the Gujranwala Tehsil. Of the three Gurdwaras situate in the district of Montgomery one is in Pakpattan Tehsil, one in Dipalpur Tehsil and one in Okara Tehsil. A complete list* of all the important Gurdwaras has been supplied by the counsel for the Sikhs.

206

A perusal of the list would show that there is a Gurdwara at Rohtas in the district of Jhelum, but for reasons similar to those given in respect of Gurdwaras in Gujrat, Rawalpindi and Attock Districts it cannot be taken into consideration for the purposes of demarcating boundaries.

207

In laying emphasis upon the solidarity of the Sikhs and the location of their sacred shrines I should not be taken to mean that if the boundaries of the two parts are to be demarcated on the population basis of the non-Muslims have a weak case. This aspect of the matter has been exhaustively dealt with by Mr. Justice Mehr Chand Mahajan and I do not propose to cover the same ground because I entirely agree with the conclusions that he has reached. I will, however, add a few words but before I do so I would like to emphasise two points; one is that the word "area" used in the terms of reference should not be narrowly construed and, secondly, that it should not be lost sight of that the mere fact that an area happens to be a majority area of a particular community would justify its inclusion within the part of the Province in which that community is in majority, unless it is also shown to be contiguous. The relevant words of the terms of reference are "on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims". The Muslim ~~contiguous~~ League has taken up the position that a tehsil should be taken as a unit of area, but my own opinion is that this would be unnecessarily

(Contd----120)

*Tehsil as
basis*

limiting the meaning of the word". As I understand "area" means a tract and the tracts surrounding it. No hard and fast rule can be ~~of that kind~~ laid down. If a tract of land is inhabited by a particular community and is surrounded on almost all sides by a much bigger tract inhabited by another community the former even though it happens to be a tehsil cannot be regarded as a majority area of that particular community. Similarly, if a very big tract of a country inhabited by one particular community is cut off from another big tract inhabited by the same community by a tract where the other community lives but much smaller in dimensions in area than the other tracts, it would be wrong to regard the smaller tract as an area for purposes of ascertaining contiguous majority areas. Districts and tehsils are subdivisions of the country made not on scientific basis but for purposes of administrative convenience. Accordingly it would not be right to accept them as areas for our present purposes. As regards districts, a reference to paragraph 13 of His Majesty's Government's Statement" of 3rd June which deals with the district of Sylhet in Assam and ~~the broadcast of 1947~~ His Excellency the Viceroy would indicate that the intention of the framers of our terms of reference was that tracts smaller than a district could be accepted as areas for purposes of demarcation of boundaries. His Excellency when questioned about that part of the broadcast in which he said that ultimate boundaries of the ~~XXXXXXX~~ partitioned Province

would be almost certainly not identical with those which had been provisionally adopted pointed out the case of Gurdaspur in which the population ratio of the Muslims was very slightly above that of the non-Muslims and remarked that it was very unlikely that the Boundary Commissioner would place the whole of that district in the Muslim majority area. He also referred to a district in Bengal in which the population ratio of the non-Muslims was very slightly above that of the Muslim s. ----- There is, however, one thing that should not be lost sight of and that is that in one part of his broadcast His Excellency used the expression "substantial area" and in another "large areas". This in my opinion indicates that a tract of land in order that it may be considered as a majority area of a particular community should not be small area such as a village.

Let us now consider the matter in the light of these observations. So far as Ambala Division is concerned all the districts comprised therein are non-Muslim majority areas and the population of the Muslims in the whole area with the exception of two small parts towards the extreme south is very small. The Muslim League laid claim to a part of Rupar Tehsil in the district of Ambala but it is too small a bit of land to be regarded as an area. Moreover, it is surrounded on all sides by large tracts in which the non-Muslims predominate and it is not contiguous to any other Muslim majority area.

(Contd----122)

Of the districts constituting Jullundur Division Kangra is almost wholly a Hindu area in which the number of Muslims is quite negligible. The population of the other districts taken as a whole is also predominantly non-Muslim.

District.	Total	Non-Muslims.	Muslims.
Jullundur.	1,127,190	617,386	509,804
Ludhiana.	818,615	516,133	302,482
Ferozepur	1,423,076	781,628	641,448
Hoshiarpur	1,170,323	789,564,	380,759

The predominantly non-Muslim character of this division is not denied by the Muslim League but it claims two whole teshils and parts of a few other teshils out of the districts of Ferozepur, Jullundur and Hoshiarpur on the pleas that they are Muslim-majority areas and are contiguous to Montgomery District on one side and Gurdaspur District on the other. With the exception of Jullundur all these tracts are riverain tracts and the population therein is so interspersed that it is impossible to hold that any particular area, using the term in the loose sense, is Muslim-Majority area or non-Muslim majority area. Out of Fazilka which lies towards the extreme west of the Jullundur Division 236 square miles are claimed. The total area of the tehsil is 1,338 square miles. The boundary line sought to be drawn in order to demarcate this bit of the tehsil would cut the Bikenar canal at five places. Next comes Muktsar towards the north of Fazilka. The area claimed is 351 square miles out of 926 square miles, the total

(Contd----123)

*Refutation
of Muslim
claim on
any one*

of the tehsil. Both Fazilka and Muktsar are predominantly non-Muslim tehsils and it is not clear on what principle the bits claimed by the Muslim League have been parcelled out. It is true that there are a large number of Muslim villages along the river side but even a look at the map prepared by the Muslim League, the correctness of which is not admitted by the other side, would show that non-Muslim villages, which are mostly Sikh villages, are scattered about in the whole area. The same is the case with Ferozepore Tehsil with the difference that non-Muslim area is considerable and it places it goes right up to the river and cuts up the Muslim area. Zira Tehsil is divisible in two belts, one which is along the river is predominantly Muslim and the other towards the south is non-Muslim. The latter adjoins Moga Tehsil which is predominantly a Sikh Tehsil continuity of Muslim belt is broken at several places by well-defined clusters of non-Muslim villages. I have already remarked that a tehsil cannot be accepted as a unit and if we start marking non-Muslim majority areas from the boundary of Ambala Division and proceed upwards none of the tehsils in the Ferozepore District or even for the matter of that any district in Jullundur Division can be properly described as a Muslim majority area. The Tehsils of Jullundur and Nakodar of the Jullundur Division are contiguous to each other but if we reject the claim of the Muslim League with regard to the

(Contd---124)

the Tehsil of the Ferozepore District they are ~~1~~ not contiguous to any Muslim-majority. The percentage of their population being 51.1 but if we exclude Jullundur City and the neighbouring bastis which are predominantly Muslim and can properly be regarded as a pocket, the majority of population of the rest of the tehsil is non-Muslim. The figures of population are as follows:-

	Muslims.	Non-Muslims
Whole Tehsil.	226,043	216,587
Jullundur City abd bastis.	72,542	38,429
The Tehsil exluding the city and bastis.	153,501	178,158.

Excess of non-Muslims over Muslims- 28,571.

~~Not much~~ need be said regarding Dasuya and Hoshiarpur Tehsils of Hoshiarpur District of which only parts are claimed, because no plausible principle has been observed in demarcating those parts, and both the tehsils are predominantly Hindu. In Una Tehsil a tract of 34 square miles out of the total area of 690 square miles is claimed and in Shakargarh 70 square miles of out 511 square miles. It may here be mentioned that the part of Dasuya Tehsil claimed by the Muslim League is to the north of the district and is contiguous to that part of Gurdaspur Tehsil which is predominantly Hindu.

The Lahore Division consists of six districts- Sheikhupura, Sialkot, Gujranwala, Lahore, Amritsar and Gurdaspur. The first three are Muslim majority

districts and will be dealt with separately. (125)

(125)

209

The other three districts minus those parts of Gurdaspur District which are on the other side of the river Ravi and adjoin the Kangra District from a homogeneous tract and must not be split. Most of this tract is watered by the Upper Bari Doab Canal which takes off the river Ravi at Madhopur. The part of the Pathankot Tehsil which lies between the canal and the Kangra District is really a part of the latter district. It is predominantly Hindu in population and must go with the Kangra District. The tract watered by the canal is Majha which is the centre of the Sikh population and in which the Sikhs predominate. The facts and figures are given in detail by my brother Mahajan. J. It is true that according to the census of 1941 there is a slight majority of the Muslim population is not such that the district can be described as predominantly Muslim district. I am aware that our terms of reference when they carried on correspondence about the creation of their separate State as well as the intention of the Congress leaders and the Government when they acceded to their demand was that only the areas in which one community commanded considerable majority over the other should not be compelled to join that part of the Province in which the other community is in majority. Even if we ignore the fact that Gurdaspur and Amritsar are so linked together that it is impracticable to separate the one from the other, with a very narrow margin of population in favour of the Muslims it would be highly

Ref. to
J. Mahajan
Gurdaspur

Upper Bari Doab

improper to give it to the Pakistan, particularly when both the districts have common communications both railway and road and Gurdaspur is the connecting link between Kangra and the Hindu States that lie beyond that district and Amritsar, and in fact the whole of India. I wish also to emphasise the fact referred to by Mr. Justice Mehr Chand Mahajan that the nucleus of the Upper Bari Doab Canal was the Hansli, the watercourse constructed by Maharaja Ranjit Singh, for supplying water to the sacred tanks of Amritsar and Tarn Taran and the canal was constructed for the benefit of and by the Sikhs. According to the figures supplied by the Muslim League, Muslims are in majority in the tract watered by the Upper Bari Doab Canal. The statement put in by the other side depicts a different picture. It has not been possible to verify either of those statements and it cannot be said which of them is correct, but it cannot be said which of them is correct, but it may be pointed out that the Mohammedan figures include the figures relating to the City of Lahore which is situated on one side of the district and the bulk of which with the exception of a small part of the Civil lines, is not served by the canal. The total population of the city according to the census of 1941 is 632,136. Out of this 418,594 are Mohammedans. If this be excluded from the population of the whole Upper Bari Doab Canal tract, the percentage of non-Muslims in that tract will be found higher than that of the Muslims. A canal is primarily meant for rural area and while calculating the population

of tract watered by it, it is not proper to include the cities in it. It was pointed out by the Counsel for the Muslim League that on the same principle the population of Amritsar should also be excluded. This demand is not justified, because Amritsar is in the centre of the district, but even if it be conceded it would not make any difference because this would not raise the ratio of the Muslim population in the rest of the tract to above 50 per cent.

The Shakargarh Tehsil of the Gurdaspur District which is on the other side of the Ravi has a slight Muslim majority according to the census of 1941. The case of the Congress and the Sikhs is that the figures of that census are altogether unreliable and they have adduced proof of unmistakable character, including the report of the Census Commissioner himself, in support of this contention. The point has been dealt with by Mr. Justice Mahajan and I see no good in elaborating it. All that I wish to say is that to exclude Shakargarh Tehsil from the Eastern Punjab merely because of a slight excess of the Muslim population over the non-Muslims is not justified. In addition, Sharkagarh Tehsil is surrounded by a tract consisting of a number of villages of Pathankot, Gurdaspur and Batala Tehsil and part of Narowal Tehsil of the district of Sialkot which is a Hindu-majority area. On one side of that area is a part of Jammu State populated mostly by Hindu Bogras.

It will thus be seen that on population basis alone that part of the tract comprising the three districts of Gurdaspur, Amritsar and Lahore which is watered by the Upper Bari Doab Canal taken together with the tract comprised of Shakargarh Tehsil and a number of villages of Pathankot, Gurdaspur and Batala Tehsil of Gurdaspur District and a part of Narowal Tehsil of Sialkot District ~~xxxx~~ forms a non-Muslim majority area. This area is contiguous to the Hoshiarpur District of Jullundur Division and also to Kapurthala, a Sikh State which has already decided to join the India Union. It extends towards the south-west right up to the boundary of Chunian Tehsil of Lahore district. It is correct that there are four small tracts in the Gurdaspur District that are not comprised in this area and in these tracts the Muslims are in majority, but two of them which are situate in the centre are mere pockets, and not being contiguous to any Muslim majority area can claim no consideration. One of these pockets consists of Qadian, the headquarters of Ahmadiya Community and a few neighbouring Muslim villages. It was stressed before us that Ahmadiya community deserved a special consideration, because of its religious, educational and other activities and also because of the facts that the founder of the community lived and worked at Qadian and it has important institutions, It was asserted

before us that the community consists of about a million persons but no authentic figures were made available to us and it was admitted that it was not shown as a separate community in 1941. Being a sect of Islam the members of the Ahmadiya community could only be classed as Muslims and as such their town and the villages roundabout the town could not claim any better position than any other Muslims town could be given. The other two small Muslim tracts on the western side of the Gurdaspur Tehsil lie wedged in between the Hindus majority tract comprising Shakargarh Tehsil, etc. mentioned above and the rest of the Gurdaspur Tehsil in which the non-Muslims are in majority. Consequently, they must also go with the rest of the non-Muslim area.

This leaves us with a narrow riverin belt extending the western corner of Batala Tehsil of Gurdaspur District to the end of the Chunian Tehsil of Lahore District and comprising its north-Western part. The city of Lahore and apart of Ajnala Tehsil also fall within this belt. The situation of this belt is such that it cannot be conveniently administered apart from the rest of the districts, of the parts of which it is made up, and though the majority of the population therein is Muslim it must go to the Eastern Punjab. Then there is another tract consisting of parts of Chunian and Kasur Tehsil, of Lahore District and small bit of Tarn Taran Tehsil of Amritsar District. It extends down to

(Contd-----130)

210.

the Sutlej and forms a wedge between the non-Muslim, majority areas of Chuian, Kasur and

211.

Tarn Taran Tehsils on one side and Ferozepore District on the other. In spite of the fact that this is also a Muslim majority area it is really contiguous to the non-Muslim majority areas and must go to the Eastern Punjab. While arriving at this conclusion I have taken into consideration other factors stressed by the Congress and the Sikhs and discussed by my learned Brother Mahajan.

(Case 56
LAHORE)

"The city of Lahore deserves to be discussed separately, There can be no doubt that if population alone is to be taken into ~~maximization~~ consideration it is a Muslim-majority town, but the census figures of 1941. being altogether unreliable the ratio of the Muslims to the non-Muslims cannot be accepted at 64 percent, as claimed by the Muslims ~~XXXX~~ but between 54 and 55 per cent. A considerable part of that population is of a floating character, and if that be ignored the probability is that the number of non-Muslims will be just slightly less than that of the Muslims. So in order to be able to decide whether the city should go to the part of the Province to which will go the non-Muslim majority tract irrigated by the Upper Bari Doab Canal or to the west, we are bound to take into consideration the other factors, and if that be done Lahore should be classed as a non-Muslim city rather than Muslims. Almost the entire trade and

industry is in the hands of non-Muslims, the bulk of the property also belongs to them and it is they who own and control and educational institutions and banks. In addition, it may be pointed out that in this city are situate some of the most important Sikh Gurdwaras and it is the centre of the activities of the Arya Samaj, the most dynamic and the highly advanced sect of the Hindus.

After having dealt with Gurdaspur, Amritsar and Lahore Districts which are in Bari Doab I now come to the districts of Sheikhupura, Gujranwala and Sialkot which are in Rachna Doab. All three of them are Muslim-majority districts but according to the map and the figures supplied by the Congress there runs through them a well-defined belt of non-Muslim majority area which is irrigated partly by the Upper Chenab Canal that takes off the river Chenab at Marala and partly by the Lower Chenab that headworks of which are situate at Khanki in Gujranwala District. The Muslim League does not admit the correctness of the data supplied by the Congress and put in a map of their own to show the nature of the population in the whole Doab. Even if we ignore the Congress map and accept the map of the Muslim League as correct we cannot help noticing that there are large tracts in all the three districts in which the non-Muslims are in majority and large tracts in all majority and which lie interspersed

between the Muslim majority ~~are~~tracts. According to the Congress and the Sikhs the majority of the population in the tract roundabout Nankana Sahib is Sikh and the whole tract is a non-Muslim majority tract. It consists of a part of Jaranwala Tehsil in Lyallpur District and a part of Gujranwala and Sheikhupura Tehsils and is called Shahidi Bar, that is, the martyrs land, deriving its name from the persons who laid down their lives for the liberation of Nankana Sahib Gurdwaras from the Control of the Mahants in 1921. Here also it has not been possible to check up the figures for want of time but this much is clear that notwithstanding the fact that the majority of the population in the three districts is Muslim they can justly be described as forming non-Muslim contiguous area. Accordingly, in order to decide whether these districts should form the Western Punjab or the Eastern Punjab, there is no other alternative but to take into account factors other than population. These factors have been enumerated in the memoranda of the Congress and the Sikhs and the most important of them appears to me to be (a) that they form the homeland of the Sikhs (2) that the bulk of the land is owned by the Sikhs (3) that the ratio of the non-Muslim landowners and occupancy tenants and the land revenue paid by them is far more than that of the Muslims (4) that the non-inclusion of these districts in the Eastern Punjab will ~~prejudicially~~ prejudicially affect the solidarity and integrity of the Sikhs. (Contd----134)

factors

211.

212

(5) that important sikh shrines including the shrines of Nankana Sahib are situate therein

(6) that in the words of the Gazetteer of Gujranwala District, 1935(Page 16) Gujranwala District was among the first in which Sikh domination was established, it has many associations with the Sikh regime and intimate connection with the fortunes of the Sikh royal family, Maharaja Ranjit Singh was born in Gujranwala and it was to this district that the famous Sikh General Hari Singh Nalwa belonged; some of the ashes of the General lie buried in Gujranwala and (7) that the Sikhs of Gujranwala belong to some stock and possess the same habits as the ordinary peasants of the Central Punjab and are similar in character to them (page 15 of the abovementioned Gazetteer). In addition there are economic factors set out in the memoranda of the Congress and the Sikhs and on consideration of all them I should think that these three districts should also go to the Eastern Punjab.

Out of the Multan Division the Congress and the Sikhs have claimed Khanewal Tehsil and a part of Vihari Tehsil of Multan District and the districts of Montgomery and Layallpur for the Eastern Punjab. I agree that the Sikhs have a vital interest in Vihari and Khanewal Tehsil and they colonized parts of them at considerable expenses and sacrifice. I also concede that in some parts of the tract commanded by the Lower

Bari Doab Canal which consists partly of Montgomery District and partly of Multan District non-Muslims are in majority, but I am not prepared to hold that the part of Vihari Tehsil claimed by the Congress should go to the East. My reasons for this are that that part is too small to constitute a majority area and the population of the rest of the area and the areas roundabout the tehsil is predominantly Muslim. Out of Khanewala I agree that only that part which extends from the border of Montgomery District to Mian Channu should be included in the East.

*Canal
Colonies*

What we are, therefore, left with are the districts of Montgomery and Lyallpur, two of the most important ~~AKALROX~~ colony districts, ~~and~~ which form the granary of the Punjab and from which the Province derives a substantial portion of its revenues. Before the Government took up the colonization of these districts they formed arid and sandy tracts without any trace of water. Vegetation was scarce except in the neighbourhood of the rivers and nomadic tribes that inhabited the tract, and they were not many, were mostly shepherds. It was indeed a happy idea to harness the waters of the rivers and bring these arid tracts under cultivation but it must not be forgotten that this was done at the cost of other districts like Jullundur and Hoshiarpur, and to start with the capital had to be found from the revenue of the Province.

(Contd.---136)

212.

Canal Colonies

The most difficult task, however, was to find pioneers who could risk their lives and invest labour and money to break the land which, as the conditions existed then, offered no prospect of cultivation or any produce. It was the Jat Sikh of the Central Districts who first offered to migrate from his home to the districts of Lyallpur and Montgomery. The difficulties that the early settlers had to face were immense and a large number of people even lost their lives in the attempt. The indigenous population could not be induced to take ^{to} cultivation nor did they welcome the advent of the would be colonists, whom they looked upon as trespassers. For a detailed reference to the difficulties of the early settlers reference is invited to Gazetteer of the Chenab Colony, 1904, Volume XXXIA, at Page 29

The following passage may be quoted with advantage:-

"The prospect was not at first peculiarly attractive to intending settlers. There was no railway to the colony and they had first to march through a country, nearly as waste as the Bar (waste land) itself and inhabited by tribes which showed little mercy to immigrants whom they would waylay. Many therefore never reached the colony at all. Those who did found the Bar peopled by nomads who neither desired nor expected the canal to be a success and were determined to do all in their power to prevent it being so."

(Contd----137)

213.

Further, the irrigation arrangements, as was only to be expected, were by no means perfect.

Many, therefore, refused to believe that the land was worth cultivating. Faced by these difficulties, real or fancied, large numbers of selected settlers returned to their homes without attempting to cultivate the lands offered to them.

But the trials of early settlers were not quite at an end. Their crop matured, there not sufficient labour available to harvest it and large quantities of cotton were left unpicked.

When harvested there was still the difficulty of disposing of the produce which had to go the same perilous ways by which the settlers came."

The Yeoman's work that the Sikh Jats of the Central Punjab did in the colony area was highly appreciated by the Government as well as by all those who were interested in the prosperity of the Province. The following passage appearing at page 143 of Sir Malcolm Lyall Darling's wellknown work "The Punjab Peasant" forms an interesting reading.

"The influence of the colonies upon the Province can hardly be exaggerated. Lyallpur is the daughter of the Central Punjab, as Shahpur is of the north and of the west and its influence is felt accordingly. From Amritsar alone over 100,000 have migrated to the Bar; and in all the surrounding districts, if a cultivator has a pukka house

213.

or better cattle than his neighbours,
or a deposit in his village bank, or
is using improved seed, it is ten to one
that he has colony ties or has made money
abroad.

The country roundabout Lyallpur and Montgo-
mery Districts being Muslim majority area it is
natural that the Muslims should be majority in
these two districts also, but it is interesting to
note that out of the total population of
1,396,305 in Lyallpur District the Sikhs
number 262,737, and in Montgomery out of
1,329,103 the Sikhs are 175,064.

*Carnal
Colonies*

In addition to making money by selling the
colony lands the Government also reserved a part
of them for grants to persons who had served
during the first world war and there are a large
number of military grantees in both the Districts.
In view of these facts it appears to me to be
fair and equitable that one of these districts
should go to the Eastern Punjab and one should
remain in the Western Punjab, and by mutual
arrangement between Western Punjab and Eastern
Punjab the Sikh colonists and grantees who would
go to the East and the Muslims who would be left
in the district which would form part of the Eastern
Punjab might go to the West. In the early days of agitation
the ~~advocated~~ exchange
of population. This point has not been emphasised
by him quite recently, but in order that there may
be no dissatisfaction among the respective

* for a Muslim
State Mr. Jinnah
himself

J. P.

(contd-----139)

213.

people exchange of population will have to considered and I would very seriously recommend it.

There is yet another matter to which attention must be drawn at this stage. While the function of this Commission is to demarcate boundaries between the two parts of the Punjab we cannot forget that these boundaries must be drawn in such a manner that the division that will result therefrom should be an equitable division of physical assets and resources of the Province as they stand at present, particularly that of Crown Waste colony lands and the waters of the rivers. According to the notional division the Eastern Punjab ~~XXXXXX~~ practically gets no Crown waste colony land. Out of 90,224 cusecs of water for irrigation in Kharif and 46,294 cusecs in Rabi, the Eastern Punjab according to the notional division gets only 17,613 cusecs in Kharif and 11,371 in Rabi. For detailed figures please refer to Appendix M*). The allocation of one of the two districts which we are considering at present will remove this anomaly.

Crown Land

Colonies

214.

The respective areas of these districts-
 Square Miles.
 Lyallpur 3,522
 Montgomery 4,204.

The populations communities wise are follows:

<u>District</u>	<u>Total</u>	<u>Muslims</u>	<u>Sikhs</u>	<u>Hindus and others</u>
Lyallpur	1,396,305	877,516	262,737	256,050
Montgomery	1,329,103	918,564	175,064	235,475

(Contd.---140)

It is true that by the inclusion of Lyallpur in the Eastern Punjab more Sikhs would come to that side, but one of the objects being to make more land available to the East I consider that Lyallpur should go to the West and Montgomery to the East. Moreover, this arrangement would make the demarcation of boundaries easier than the arrangement whereby Lyallpur would be taken away from the West, because Montgomery is contiguous to Lahore and is bounded on the north by the river Ravi which will be better and more natural boundary. I have mentioned above that the inclusion of the whole of Gujranwala and Sheikhupura Districts along with the district of Sialkot in the Eastern Punjab would be more advantageous to the Sikhs, inasmuch as it would reduce the split of their community to the minimum, but I cannot at the same time shut my eyes to the fact that this would also mean the inclusion of a large number of Muslims in the East and it may be objected that this result is opposed to the principle recognised at all hands that no large areas inhabited by a particular community should be forced into the Province in which the other community predominates. In order to meet this objection // I would draw the north-western boundary of the Eastern Punjab along the river Chenab from where it enters the Punjab go right up to Khanki and from there turn to the right bank of the lower Chenab Canal up to Nannana, then follow the bank

of the Rakh Branch up to the place where it enters the Lyallpur District, go along the present boundary between the districts of Sheikhupura and Lyallpur right up to the point where Deg Nala joins the Ravi river, then follow the Ravi river and the present boundaries between Lyallpur and Montgomery Districts, turn to Channu, then following first the present western boundary of Montgomery District and then up the banks of the river Sutlej and the present southern boundary of Montgomery District come to Sulemanki where the districts of Ferozepore and Montgomery and Bahawalpur State.// This will leave a part of Gujranwala District and some part of Sheikhupura District in which the Muslims are in majority to the west and would at the same time bring Nankana Sahib along with the whole of the tract surrounding it, which is a part of the Shanidi Bar mentioned above, in the Eastern Punjab.// I have not calculated the figures but I believe that it would raise the number of the Sikhs in the Eastern Punjab to about 31 lacs out of their total population of about 37 lacs in the whole of the British Punjab.

Mr. Justice Mehr Chand Mahajan has followed a different line and though he has included the trans-Ravi Hindu majority area consisting of Shakargarh and parts of Batala and Gurdaspur Tehsils of Gurdaspur District and part of Narowal Tehsil of Sialkot District, he has allowed the rest of Sialkot District, almost the whole of Gujranwala District and most of the Sheikhupura District barring a small tract from the river Ravi up to and including Nankana Sahib to the west. I concede that by drawing the boundary line as recommended by him we still further reduce the number of Muslims in the Eastern Punjab, but if I may be allowed to say so with all respect, my learned brother, while restoring the Gurdwaras of Nankana Sahib to the

Eastern Punjab, has omitted to take into consideration the Zail of Khairpur of which Nankana Sahib's estate is a part and also a member of other zails surrounding that estate, in which the non-Muslims are in majority. These zails are Mohlan, Inoana Manawala of Sheikhupura Tehsil and Hattarwali, Jaranwala, Paulani, Jassuana, Awagat, Satiana and Rodu Karu of Lyallpur District. The position of most of these zails is shown in the Muslim League's own map No.19*. If practically the whole of Gujranwala and Sheikhupura Districts are to be given to the West because of their being Muslim majority areas, the non-Muslims Zails contiguous to and surrounding the Nankana Sahib Gurdwaras and the estate attached to them must go to the East. The only objection that can possibly be raised against this that Khairpur Zail and the Zails of Dharam and Natha which lie between the estate of Nankana Sahib and the river Ravi are Muslim-majority zails, but they comprise only a short area and if Nankana Sahib Gurdwara is to be given to the Eastern Punjab, and I maintain that it must be given, these zails should also go to the Eastern Punjab; otherwise there will be no connecting link between Chunian and Nankana Sahib. I, therefore, suggest that if the line proposed by Mr. Justice Mahajan is to be accepted the boundary of the Nankana Sahib tract should be so modified as to include all the abovementioned zails. Even at the risk of repeating what I have already emphasised I cannot help observing that most important factors that must be taken into account by us in addition to the population basis are the necessity of preserving the solidarity and integrity of the Sikhs and the situation of their

⊗ Not printed.

principal shrines, amongst which Nankana Sahib Gurdwara occupies the first and the foremost place. For the solidarity of the Sikhs it is essential that districts of Gurdaspur, Amritsar and Lahore in which is situate the Majha tract irrigated by the Upper Bari Doab Canal along with the whole of the Division of Jullundur should go to the Eastern Punjab. Nothing short of this would satisfy the Sikhs and any scheme of demarcating the boundaries which does not ensure to the Sikhs their minimum demands would leave them sullen and highly discontented and may result in serious trouble in the future. I am not oblivious of the fact that any ~~an~~ modification of the notional division and the extension of the boundaries of the Eastern Punjab towards the west must result in the inclusion of a large number of Muslims in the East, but this does not subject them any real hardship, because even according to the notional division as many as 3,853,573 Muslims are in the Eastern Punjab and the Muslims that will be left in the Western Punjab will be able to take care of themselves as they will be in an overwhelming majority. In this respect the position of the Sikhs is absolutely different from that of the Muslim community as it has not even been urged that the division of the Province into two parts as proposed by me or by Mr. Justice Mahajan would split the Muslims in such a way as to affect their solidarity in either part of the Province.

Before concluding I wish to mention one other fact. The leaders of the Muslim community who are in a position to speak on behalf of the future Government of Pakistan and the various Provinces that are to constitute that State have given

assurances that the minorities will be given every protection and their religious rights, culture, customs, etc., will be safeguarded. I have no reason to think that these gentlemen are not sincere and I hope that they will make every effort to translate their words into action and they would succeed in this. At the same time I cannot very well ignore what has happened only recently and what is happening even now. The

216

mentality of an average Muslim towards his non-Muslim compatriot has undergone a change and this with the background of the events narrated by me above has created a genuine feeling of insecurity among the non-Muslims in the parts of the country which are to form the Pakistan. The result is that a large number of non-Muslims, rich and poor, have deserted their homes and have migrated towards the east. One cannot describe the hardships to which the refugees, men, women and children with practically nothing to live upon, have to suffer, but instinct for life is so strong that they have all borne it with resignation. This exodus continues unabated and will surely increase after the 15th August when the Punjab will have been permanently divided as a result of the boundaries to be demarcated by this Commission. It is our bounden duty to make notice of this fact and try our best to alleviate the consequences that must result therefrom. This aspect of the matter was discussed before us in the course of arguments. The only answer that the learned counsel for the Muslim League had to it was that there might be a similar exodus of the Muslim population from the Eastern Punjab to the west. I have no hesitation in saying

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that this hesitation is unfounded, first because not only past history but even what has happened since March last has demonstrated that the non-Muslims in the Punjab are either by nature reluctant to indulge in doings of the kind that were witnessed in the districts of Rawalpindi, etc., or they are incapable of doing so. We were referred to Bihar, but it is a far cry from Bihar to the Punjab and in no districts in the Punjab where the Sikhs and Hindus are in majority have the Muslims been molested. It is for this reason that the Muslims are living peacefully in their homes and they will continue to do so in spite of what might happen in the Muslim Province. Accordingly, while demarcating boundaries we must include sufficient parts of the country in the Eastern Punjab wherein the non-Muslims of the Western Punjab might ~~be~~ come and settle down, but according to the notional division the area of the Eastern Punjab is not even proportionate to its present population, the ratios being as follows:—

Population___41 per cent.

Area___35.6 per cent.

it may also be noted that apart from high density of population, with which the Eastern Punjab is suffering, there is also scarcity of food and the conditions must grow worse to the detriment of the entire population if no provision is made for more space.

Memoranda* were submitted to the Commission by Indian Christians, Anglo-Indians, alleged

* Not printed.

representatives of the depressed classes and the States of Bahawalpur and Bikaner. As regards the States they urged that they were only interested in the waters of the Sutlej and headworks from where the canals which water their lands situate in the States took off should go to a particular part of the Punjab, because they apprehended that if they went to the other part their supply of water would be endangered. I do not think that this is a matter within our jurisdiction and the States must be left to safeguard their interests by entering into treaties with the Government of the part to which the headworks may ultimately go. As regards the Christians, Anglo-Indians and depressed classes Mr. Justice Mehr Chand Mahajan has dealt with them and I have nothing to add to what he has said on the point except that they are all non-Muslims and according to our terms of reference the areas inhabited by them must be considered non-Muslim areas for purposes of allocation of boundaries.

TEJA SINGH

SIMLA

The 4th August, 1947.

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A P P E N D I X

A.
Jehangir and Guru Arjan

Tuzk-i-Jehangiri, the autobiography of Emperor Jehangir, printed at the Jawal Kishore Press, Lucknow.

Page 35_____

In Goindwal, which is situated on the bank of the river Beas, there was a Hindu named Arjan, in the garb of a Pir and Shaikh, so much so that having captivated many simple-hearted Hindus, nay even foolish and stupid Muslims, by his way and manners, he had noised himself about as a religious and worldly leader. They called him Guru, and from all directions fools and fool-worshippers were attracted towards him and expressed full faith in him. For three or four generations they had kept this shop warm. For years the thought had been presenting itself to me that either I should put an end to this false traffic he should be brought into the fold of Islam.

At last when Khusró passed along this road, this insignificant, low fellow made up his mind to wait upon him. Khusró happened to halt at the place where he was. He (Arjan) came and saw him, and conveyed some pre-conceived things to him and made on his forehead a finger-mark in saffron, which the Hindus in their terminology call Qashqa (Tika) and is considered propitious. When came to the ears of His Majesty, and I fully knew his heresies, I ordered that he should be brought into my presence, and having handed over his houses, dwelling-places and children to Murtaza Khan and confiscated having his property, I ordered that he should be put to death with tortures.

(Quoted in Nanak-Panthis or The Sikhs and Sikhism of the 17th Century by Ganda Singh, Page, 13, foot-note 26. Also Journal of Indian History, Volume XXV, Part III)

A P P E N D I X

E.218

Martyrdom of Guru Teg Bahadur.

Later Mughals by William Irvine, I.C.S. (Retd.),
 edited by Sir Jadunath Sarkar, I.L.S.,
 published by Luzac & Co., London, and
 M.C.Sarkar & Sons, Calcutta, Vol I, 1707-
 1720.

Pages 78-79_____

Tegh Bahadur returned at length to Anandpur. Sikh tradition asserts that he lived the harmless life of a wandering devotee. Apparently he was seized at Agra and by Alamgir's orders transferred to the capital. After many efforts to convert him to the Muhammadan faith, he was tortured and executed at Delhi in the year 1675 A.D.

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219

A P P E N D I X C.

The end of Guru Gobind Singh's two sons.

History of the origin and progress of the Sikhs by
 James Browne, printed at the Topographic
 Press, Printing House square, Blackfriars,
 1788, page 8.

Regarding the two young sons of Guru Govind Singh who had fallen into the hands of the Faujdar of Sirhind.

Note

Of all the instances of cruelty exercised on the propagators of new doctrines, this is the most barbarous and outrageous__defenceless women and childre, have usually escaped, even from religious fury. No wonder then that the vengeance of the Sikhs was so severe.

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Execution of Banda

History of the Punjab by Syed Muhammad Latif.

Page 72_____

Banda, their chief Guru, with his son, seven or eight years old, his Dewan and three or four thousand Sikhs, were made prisoners. Nearly two thousand heads of the slain Sikhs were stuffed with hay, and, having been stuck upon spears, were sent to Delhi. The Guru and large number of his followers were put to death with terrible tortures, by order of the Emperor Ferukhsere.

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Extirpation of the Sikhs by the
Mughals
after Banda.

(Syed Muhammad Latif History of
the Punjab)

Page 188_____

Abdul Sanad Khan, having humiliated the Sikhs and caused the destruction of their leader Banda, now took vigorous steps to destroy their power and to extirpate the race. A royal edict was issued to put all who professed the religion of Nank to sword, and a money reward was offered for the head of every Sikh. The irritated Mahomedans gave them no quarter, and wherever a Sikh was found he was butchered unmercifully. In order to give full effect to the royal mandate, Mahomedans and Hindus were strictly enjoined to clip their hair short. The Hindus were ordered shave their heads, and any Hindu found with long beard or hair was immediately slain. These extreme measures of resentment and

persecution spread terror and consternation throughout the whole Sikh nation.

Page 213_____

The Dewan fully avenged his brother's death by defeating the insurgents with great slaughter, driving them to the north-eastern corner of the Punjab. To complete his revenge, he brought with him a thousand Sikhs in exiles to Lahore, and compelled them to ride on donkeys bare-backed, paraded them in the bazars of Lahore. They were then taken to the nakhas khana or horse market, outside the Delhi Gate of the city, and there beheaded one after another, without mercy. The place has since been called by the Sikhs Shahid-ganj, or place of martyrdom, in commemoration of the event. The scene of the execution is marked by a samadh, or shrine, erected in honour of Bhai Tara Singh, the chief martyr, and an old companion of Govind Singh, who, though offered a pardon on condition of his renouncing his faith and consenting to have his long hair cut, persistently refused and was thereupon beheaded, 1746, A.D.

The Governor, Yahya Khan, now issued a proclamation for a general massacre of all Sikhs, wherever they could be found. Death was to be the punishment of all persons who invoked the name of Guru Gobind, and a reward was offered for the heads of Sikhs. Thousands were put to death daily and their heads brought before the Subadar of Lahore for the reward.

Page 220_____

Firmly established in his authority, Mir Mannu considered the best mode chastising the

Sikha. His first act was to storm the fort of Ram Rouni which he captured and reduced. He then stationed detachments of troops in all parts infested by the Sikhs, with strictest orders to shave their heads and beards wherever they might be found. These measures, being rigorously enforced, inspired public confidence, checked the progress of ~~Sikh~~ Sikh proselytism, and compelled the votaries of the Guru to conceal themselves in the mountains or jungles. Mir/Mannu issued strict orders to hill Rajas to seize the Sikhs and send them in irons to Lahore. These orders were obeyed, and hundreds of Sikhs were brought daily to Lahore and butchered at the Nakhas, or Shahidganj, outside the Delhi Gate, in sight of multitudes of spectators. The young Mannu became an irreconcilable foe of the Sikhs, and was ~~he~~ determined to extirpate the nation.

Page 279_____

They were mounted upon lame, worn out hungry asses and camels, each of them having a paper cap on his head. In this condition they were led into the streets of Lahore, followed by a mob which jeered and cursed them.

222

Pages 279&280_____

At Delhi the prisoners were treated with the greatest ignominy. In order to give them a contemptible and ludicrous appearance, they were forced to dress themselves in sheep skins, and were then mounted on asses and camels, and exhibited in all the thoroughfares and places of public resort of the city.

Eanda was placed on an elephant, with his

face smeared with ~~br~~ black, and a woollen cap placed over his head, and an executioner standing over him, sword in hand. He was made to take the lead, as their mock chief. One hundred of them were publicly beheaded that day amidst jeers and taunts of the mob.

Each succeeding day a similar number were executed, until the whole had paid the penalty of their crimes.

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History of the Punjab, Vol I.,
W.H.Allen (1846).

Pages 182 and 183_____

After the defeat and death of Banda, every measure was taken that an active resentment could suggest, not only to destroy the power of the Sikhs, but to extirpate the sect. An astonishing number must have fallen in the last two or three ~~of~~ years of the contest with the imperial armies, as the ~~chief~~, ~~array~~ irritated Mahomedans gave them no quarter; and after the execution of their chief, a royal edict was issued, ordering all who professed the religion of Nanak to be taken and put to death wherever found. A reward was offered for the head of every Sikh; and all Hindus were ordered to shave their hair off, under pain of death.

Page 194_____

According to a contemporary Mahomedan author, they were often slain these attempts, seeking, rather than avoiding, on such occasions, the crown of martyrdom. He adds, that "an instance was never known of a Sikh, taken on his way to Amritsar, consenting to abjure his faith."

Malcolm___Sketch of the Sikhs (1812).

After the execution of their chief, a royal edict was issued, ordering all who professed the religion of Nanak to be taken and put to death, wherever found. To give effect to his mandate, a reward was offered for the head of every Sikh; and all Hindus were ordered to shave their hair off under pain of death.

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223

A P P E N D I X F.

Ahmad Shah Abdali and the Sikhs

Malcolm___Sketch of the Sikhs (1812)

Page 98___

In this action, which was fought in February, 1762, the Sikhs are said to have lost upwards of twenty thousand men, and the remainder fled into the hills, abandoning all the lower countries to the Afghans, who committed every ravage that a barbarous and savage enemy could devise. Amritsar was razed to the ground, and the sacred reservoir again choked with its ruins. Pyramids were erected, and covered with the heads of slaughtered Sikhs; and it is mentioned, that Ahmad Shah caused the walls of those mosques, which the Sikhs had polluted, to be washed with their blood.

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Gordon, General Sir, THE SIKHS, published by
William Blackwood and Sons, London, 1904.

Pages 204-05_____

A happy consequence of our wars with the Sikhs was that we learned their great value as soldiers when mutual respect was won by valour in the field. After the first war some regiments were raised for our service, and after the annexation Sikhs were freely enlisted in the Frontier Force, and also in some regiments of the Bengal Army.

In May 1857 occurred the great crisis of the revolt of the Bengal Army, which for a time threatened the British power in Upper India.

Page 206_____

Even Sikh political exiles in Bengal aided our Government. Wherever the Sikhs were, they identified themselves with our cause and fought as lions of their race.

Until the close of the long campaign in 1859 the Sikhs were, everywhere engaged along side their British comrades in crushing out the rebellion.

Page 206_____

The Punjab was not only quiet but actively loyal. The men who had so recently been our stoutest foes were now our staunchest friends, and in their splendid loyalty side by side with English soldiers beat down the mutiny.

Page 219_____

* * And the late Sir Charles Aitchison, a former Lieutenant-Governor of the Punjab, in his 'Life of Lord Lawrence' wrote: "Certainly no troops ever fought more bravely or covered themselves with more glory than ~~the~~ did the Punjab troops in our cause against the rebel sepoys. They shared

with us the privations and diseases and dangers of the ridge, soldiers all day sentinels all through the night. They shared in the glory of the assault. In the Oudh and Rohilkhunda campaigns they were shoulder to shoulder with the best and bravest.

Pages 220____

*Sikhs of
Mutiny*

They have sustained their reputation in many a hard-fought field since then. And what is more, there has sprung up in the Punjab a feeling of brotherhood to England and of loyalty to the Crown, which it will be our own fault if we alienate. * * *

Page 224____

* * * Well may the Khalsa be proud of their children, and Britannia also of such brave soldiers who know how to die in her cause.

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Sikhs (Handbook for the Indian Army) compiled under the orders of the Government of India by Capt. A.H. Bingley, Calcutta, 1918.

Page 26____

The story of the Mutiny is too well known to need more than a passing notice. * * *

Page 27____

*Sikhs of
Mutiny*

* * * The Sikhs flocked in numbers to our standards, and identified themselves with the British cause with a loyalty which never wavered. While the newly-raised regiments and the corps of the Frontier Force were earning fame and distinction before Delhi, their comrades of the 14th and 45th Sikhs were rendering splendid service in Oudh and the North-West Provinces. The former, besides saving the fort at Allahabad from falling into the hands of the rebels, took a distinguished part in

Havelock's advance on Lucknow, and in the subsequent defence of the Residency. The latter, rejecting the numerous efforts made to seduce them from their allegiance, took a prominent share in the suppression of the mutiny in Bihar, and gained special distinction by the gallantry of a small detachment in defending a house at Arrah against Dinapore mutineers.

* * * It would be difficult indeed to select a more striking example of military constancy and devotion than that given by the heroic band of Sikhs who defended Saraghiri. True to the martial instinct of their faith, they died to a man at their posts, covering themselves with glory, and giving imperishable renown to the grand regiment to which it was their privilege to belong.

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A P P E N D I X H.

This Session of the All-India Akali Conference reiterates that the Sikhs have lost confidence in the Unionist Government because of the following facts:-

(a) The Unionist Ministry opposed the amendment of the Sikh Gurdwaras Act although no non-Sikh had any concern with the amendment and the sole object of the amending Bill was to authorise the S.G.P.C. to spend more on propagation of the Sikh religion out of its funds.

(b) That the Unionist Ministry opposed the introduction of Jhatka Bill on the pretext of preserving the "status quo ante" when the object of the Bill was simply

the recognition of religious rights of the Sikhs regarding Jhatka meat, although the Unionist Ministry under the pressure of Muslims posted Punitive Police at Raja Jang, Lahore to prevent the Sikhs from enjoying the privilege of the same "status quo".

(c) A number of prominent Unionist leaders took undue advantage of their official position and interfered in the last Gurdwara elections.

(d) The Unionist Ministry has done grave injustice to the Sikhs and other minorities in the matter of recruitment to and promotion in the Government services and all key-posts have generally been given to Muslim-Unionists.

(e) The Unionist Ministry is attempting to give a set-back to Punjabi and the Gurmukhi script.

(f) Hindu and Sikh presses have been accorded discriminatory treatment and on communal and sectional considerations.

(g) Undue restrictions were imposed on the religious processions of Sikhs at Sar-godha and other places. At a number of places, no steps were taken for the protection of the life and property of the Sikhs.

(h) The Unionist Ministry attempted to disrupt the Panth and the Gurdwara Management by ~~instigating~~ instigating Tikka Jagjit Singh to sponsor a reactionary and anti-democratic Sikh Gurdwaras Amendment Bill.

This Conference, therefore, demands that the

Unionist Ministry should change its policy of communal favouritism and must give practical proof this change by an early declaration conceding the following demands.

* * * * *

Then follows the demands.

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227

A P P E N D I X H/I

Cutting from the "Tribune", dated the 5th March, 1947,
page 1.

POLICE OPEN FIRE IN LAHORE
Hindu and Students lathi-charged.
Over 125 persons injured and
10 killed.

Communal clash in city.
Curfew order imposed.

Lahore, March 4, ___ On the very first day of the minorities demonstration against the proposed imposition of a communal majority rule on the Punjab, the police resorted to firing seven times and lathi-charged the demonstrators about a dozen times.

As a result of firing by the police Mr. Rattan Chand, a student of the IV Year class of the D.A.V. College, was killed in the College Hostel, a fatal bullet having hit him while he was standing in one of the hostel rooms and the police fired from the front of the Lajpat Rai Hall in the evening. One other student died in the hospital having received injuries in the firing in the Gol Bagh area.

~~xxxx~~ In the firing by the police five times in the Gol Bagh area and D.A.V. College about 60 students were injured of whom 27 were admitted into the Mayo Hospital and Sir Ganaga Ram Hospital.

Then there was communal clash near Chauk

Matti in the city which resulted from a procession of demonstrators being attacked. There was free fight in which lathis, hatchets, knives and brick-bats were used. About 60 to 70 persons were injured, many of whom were admitted into the hospital and six of these are reported to have died. Two were killed at the spot and others died in hospital. Some of the injured persons are lying in precarious condition.

Two police constables are also reported to have been killed today and two who were said to be missing returned by the evening.

The communal situation which became serious during the evening became a little easy as the curfew order was announced by the District Magistrate, Mr. Eustace, for ten days from 8 p.m. to 7 a.m. and the District Magistrate told the "Tribune" representative a little before midnight that situation was well "under control" and the curfew order had been obeyed by every one. Mr. F.C. Webb who took over as Additional District Magistrate today was on duty the whole night issuing curfew passes.

Military was called out during the evening and is standing by in the Kotwali. Mr. Eustace, District Magistrate, Mr. Evannet, Senior Superintendent, Police, and other police officers remained busy the whole day dealing with the situation.

The non-League sections of the Lahore population headed by Hindu and Sikh students of the local colleges took out processions raising anti-Pakistan slogans against the proposed ministry for the Punjab, and against the Punjab Governor.

The processions consisted mostly of students

who gathered together from various colleges and were proceeding towards the Gol Bagh they wanted to hold a protest meeting. Of the injured mostly were student.

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228

A P P E N D I X J.

No. 9418 CDGB.

From A.A.WILLIAMS. Esq., O.B.E., I.C.S., Home Secretary to Government, Punjab,

To the SECRETARIES TO THE PUNJAB BOUNDARY COMMISSION, LAHORE.

Dated Lahore, the 26th July 1947.

Reference your U.O.No. 24-B.C., dated the 21st July, 1947, returned in original with this office endorsement of 22nd July, 1947.

The required information is given below:-

District	Number of persons killed or burnt alive.			
	(Hindus	Sikhs	Muslims	Others
Multan ..	171	1	14	..
				Total
				186
Rawalpindi ..	(2,263)			38
				..2,301

District	Number of persons injured.				
	(Hindus	Sikhs	Muslims	Others	Total
Multan	87	2	59	19	167
Rawalpindi	(234)			126	.. 360

District	Value of Properties burnt	
	()
Multan ..	Rs.20,00,000 (Hindu Property)	
Rawalpindi ..	Rs.14,00,00,000.. (Approximately)	

The Deputy Commissioner, Rawalpindi, reports the that the above are best available figures and greater accuracy is not possible owing to the wide-spread nature of disturbances and breakdown of

normal administrative machinery. Separate figures for Hindus and Sikhs are not available. The figures of lives lost are believed to be the minimum, and the information has been obtained from investigation of cases registered with the Police. The figures of value of property destroyed are also minimum and are based on claims for compensation received so far. They do not include losses inflicted where wiped out and no claims were made.

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229

A P P E N D I X K.

Malik Feroze Khan Noon:-

"I tell you this much. If we find that we have to fight Great Britain for placing us under one Central Government or Hindu Raj, then the havoc which the Muslims will play will put to shame what Halaku did". 'Tribune', 11.4.1946.

Mr. Liaquat Ali Khan, General Secretary of the Muslim League, 4-8-1946:-

"We will resist it by all means and will make the functioning of such a Government impossible".

"The possibility of formation of a Government by Congress which has been discussed widely since the Muslim League withdrew its acceptance of the British Cabinet Mission Proposals would be a signal for the Muslim to start its programme of 'Direct Action'," the League Secretary said.

"Direct Action means resorting to non-constitutional methods", he explained, "and that can take any form and whatever form may suit the conditions under which we live".

Asked what specific action might be taken,
Mr. Liaquat Ali Khan replied:-

"We cannot eliminate any method. Direct
Action means any action against the law." Dawn,
6-8-1946.

Mr. Altaf Hussain, Editor of the "Dawn".__

"NOW MIGHT ALONE CAN SECURE THEIR RIGHT".
Dawn, 18-8-1946.

Sardar Abdur Rab Nishtar:-

"Pakistan can only be achieved through
shedding of blood by ourselves and if need be
and opportunity arose by shedding of blood of
others. Mussalmans are no believers in the
creed of Ahimsa. We will act just as the
situation demanded. Whether by violence or
non-violence we have got to break the unholy
alliance of British Imperialists with Hindu
capitalists. There are only two alternatives
before you now. Either be prepared to shed
every ounce of blood and stake every penny for
~~our~~ achievement of Pakistan or live a life of
servitude". Tribune, 18-8-1946.

Raja Ghazanfar Ali Khan, 31-8-1946:-

"Friends have suggested__

- (i) Total economic, social and political
boycot of the British and the Congress.
- (ii) Non-payment of taxes by Muslims.
- (iii) Scorched earth policy on the Russian
pattern__refuse to grow more food and
decline to give grain to enemies.
- (iv) Government service by Muslims to be
declared illegal.
- (v) Defiance of Section 144 ban, wherever it
it be, on the carrying of arms".

Asking Muslims to keep themselves in readiness for the struggle ahead, Raja Ghazanfar Ali Khan said:—

"Do nothing until the fire order comes from the Qaid-i-Azam Jinnah".

On September 2 the foundation of Civil War will have been laid. Pandit Jawahar Lal's Government was bound to meet the fate of Bacha Saqqa's short-lived Government in Afghanistan without the co-operation of 100,000,000 Muslims". Civil and Military Gazette.

230

Mian Mumtaz Daultana, 31-8-1946:—

"The satanic moves of Lord Wavell and the British Government in which the Congress has willingly and foolishly let itself be trapped, will make Hindus and Muslims fight among themselves eternally * * * Our fight will be directed against the British but if thorns come in our way from any quarter they will have to be removed".

Khan Iftikhar Hussain Khan of Mamdot, President, Punjab Provincial Muslim League, speaking to Muslim & lawyers on 4-9-1946:—

"Therefore in name of Islam and Pakistan I appeal to every one of them to cast aside all thought of personal occupation, business and profit and as shock troops of the Muslim League to spread out all over the Province in every village, Qash, town and city and do preliminary spade work of propaganda without which no revolutionary upsurge and determined struggle is possible." Dawn, 5-9-1946.

Appealing to Muslim women he said:—

"It is not for you to go into the battle but you must prepare ~~xxxxx~~ yourself now to protect and heal the war scarred." Tribune, 5-9-1946.

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160
A P P E N D I X
M.

Statement showing F.S. discharges of non-perennial
and perennial canals for internal consumption
by districts.

Name of District			Rabi and kharif supply (Cusecs).	Rabi supply (Cusecs).
Hissar	..	W.J.C	1,930	1,700
		S.C.	120	..
		Inud.C.	<u>180</u>	<u>..</u>
			<u>2,230</u>	<u>1,700</u>
Rohtak	..	W.J.C.	2,000	1,985
Gurgaon	..	.. ..	..	..
Karnal	..	W.U.C.-	1,900	1,900
		Inund.C.	<u>2,097</u>	<u>..</u>
			<u>3,997</u>	<u>1,900</u>
Ambala	..	W.J.C.	16	16
Simla	..	...	<u>8,243</u>	<u>5,551</u>
Kangra	..	.. ..	..	..
Hoshiarpur	..	.. ..	..	..
Jullundur	..	.. ..	..	..
Ludhiana	..	S.C.	770	400
Ferozepore	..	S.C.	4,090	3,970
		East C.	<u>2,560</u>	<u>..</u>
			<u>6,650</u>	<u>3,970</u>
			<u>7,420</u>	<u>4,370</u>
Amritsar	..	U.B.D.C.	1,950	1,450
Gurdaspur	..	U.B.D.C.	490	250
Lahore	..	U.B.D.C.	3,350	2,950
		U.B.D.C.	50	50
		Dipalpur C.	<u>1,816</u>	<u>..</u>
			<u>5,216</u>	<u>3,000</u>
Sialkot	..	U.C.C.	50	..
Gujranwala	..	U.C.C.	2,450	950
		L.C.C.	<u>1,040</u>	<u>370</u>
			<u>3,490</u>	<u>1,320</u>

Name of District.			Wabi and kharif supply. (Cusecs).	Wabi supply. (Cusecs).
Sheikhupura	..	U.C.C.	2,685	893
	..	L.C.C.	<u>1,420</u>	<u>1,410</u>
			<u>4,105</u>	<u>2,308</u>
			<u>13,551</u>	<u>6,678</u>
<u>232</u> Gujrat	..	U.J.C.	1,837	1,232
	..	L.J.C.	<u>42</u>	<u>42</u>
			<u>1,879</u>	<u>1,274</u>
Shahpur	..	U.J.C.	10	10
	..	L.J.C.	2,456	2,456
		Inund.C.	1,295	..
		Rasul Project	..	..
		Thal.C.	<u>1,500</u>	<u>1,500</u>
			<u>5,261</u>	<u>3,966</u>
Jhelum	..	.....	..	..
Rawalpindi	..	.....	..	..
Attock	..	.....	..	..
Mianwali	..	Thal C.	<u>3,000</u>	<u>3,000</u>
			<u>10,140</u>	<u>8,240</u>
Montgomery	..	L.B.D.C.	4,020	3,850
		Pakpattan C.	2,115	1,037
		Dipalpur C.	<u>4,120</u>	<u>..</u>
			<u>10,255</u>	<u>4,887</u>
Lyalpur	..	U.C.C.	9	9
		L.C.C.	<u>5,250</u>	<u>4,890</u>
			<u>5,259</u>	<u>4,899</u>
Jhang	..	L.C.C.	1,310	1,310
		L.J.C.	840	840
		H.C.	487	..
		Rangpur C.	<u>1,220</u>	<u>..</u>
			<u>3,857</u>	<u>2,150</u>

Name of District		Rabi and kharif supply. (Cusecs).	Rabi supply (Cusecs).
Multan	.. L.B.D.C.	1,730	1,500
	Pakpattan C.	3,475	2,360
	Mailsi Canal	4,444	..
	Haveli C.	<u>4,100</u>	<u>2,509</u>
		<u>13,749</u>	<u>6,369</u>
Muzaffargarh	.. Thal	1,500	1,500
	Rangpur C.	945	..
	Inundation	<u>6,270</u>	<u>..</u>
		<u>8,715</u>	<u>1,500</u>
Deraghazi Khan	.. Inund.C.	<u>7,305</u>	<u>..</u>
	Total	<u>49,120</u>	<u>19,805</u>

233

W.J.____Western Jumna. H.C.____Haveli Canal.
 U.E.D.____Upper Bari Doab. L.B.D.____Lower Bari Doab.
 L.C.____Lower Chenab. U.C.____Upper Chenab.
 U.J.____Upper Jhelum. S.C.____Sirhind Canal.
 L.J.____Lower Jhelum.

Abstract.

Name of District	Rabi and kharif supply (Cusecs)	Rabi supply. (Cusecs).
Ambala Division	8,243	5,551
Jullundur Division	7,420	4,370
Amritsar	<u>1,950</u>	<u>1,450</u>
	<u>17,613</u>	<u>11,371</u>
Lahore Division (Rest)	<u>13,351</u>	<u>6,878</u>
Multan Division	49,120	19,805
Rawalpindi Division	<u>10,140</u>	<u>8,240</u>
	<u>59,260</u>	<u>28,045</u>
Grand Total	<u>90,224</u>	<u>46,294</u>

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